MAGNA Charta, cum ſtatutis, *tum antiquis, tum recentibus*, maximopere, animo tenendis nunc demum ad vnum, tipis ædita, per Richardum Tottell.

(.*.)

Anno domini 1576.

¶ Cum priuilegio ad imprimendum ſolum.



To the Reader.

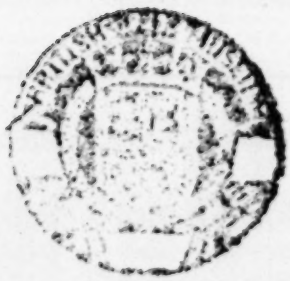


He former booke intituled Magna Carta, did conteine diuers olde ſtatuts lawes, & other things, although good, not very neceſſary to be had in one ſo portable a volume, and the ſame confuſely & not orderly digeſted, and in many places (for want of perfect coppies) very faulty. This cõteineth the moſt neceſſary of thoſe olde ſtatuts, and diuers later and newe ſtatutes moſt conuenient to be had, perfect and ready, not onely by al ſtudentes of the lawe for their priuate ſtudies, readings, mootes, bolts, caſes and other exercyſes: but alſo by the practiſers of the ſame for their dailie affaires and cauſes, which ſtatuts be thoſe that are conteined in the table next following: wherin the ſtatutes which this booke conteineth, are in ſuch order as thei be placed in this booke. The

To the Reader.

other table doth conteyne the titles in order of Alphabet, wherein the ſtatutes in this booke conteyned, are collected, in the collection of ſtatutes compiled by Maiſter Raſtall: which titles, are ſet in this booke, ouer euery ſuch part of the ſaid ſtatuts, as are in that collection, & thereunto is added the number, at the which the ſame is to be found in the collection. The woordes conteined betwene the two plaine ſtrikes, which ſometimes ye ſhal find in the booke, doe ſhewe what is corrected or added to the ſtatuts more then was before imprinted, the correctyons whereof, are to be warranted by diuers auncient coppies, which haue bene carefully conferred for the ſame purpoſe.

(.˙.)



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EDwardus dei gratia, Rex Anglie, dominus Hiberñ, & dux Aquitanie archiepiscopis, & episcopis, abbatibus, prioribꝫ, comñ, baronibus, Justic̃, vic̃, ꝓpositis, ministris, et omnibꝫ ballivis & fidelibus suis salutē. Inspeximus magnā chartā dñi H. quondā regis Anglie patris nr̄i de libertatibus Anglie in hec verba.

¶ Henricus dei gratia Rex Anglie dominꝫ Hibernie, dux Normañ & Aquitanie, & Comes Andeg. Archiepis, episcopis, abbatibꝫ, prioribus, comitibus, baronibꝫ, vic̃, ꝓpositis, ministris, & omnibꝫ ballivis, et fidelibꝫ suis pñtem Chartam inspecturis salutē. Sciatis quod nos intuitu dei, & ꝓ salute anime nr̄e, & animarum anteccessorum & successorū nostrorum, ad exaltationem sc̃te ecclesie, & emēdationem regni nostri, spontanea et bona voluntate nostra, dedimus & cōcessimus Archiepiscopis, epis, abbatibus, prioribus, comñ, baronibus, & omnibus liberis de regno nr̄o has libertates subscripc̃, tenēd in regno nr̄o Angl' in perpetuum.

¶ Fraunchises. 1. cap. 1.

¶ In primis concessimus deo, & hac presenti Charta nostra cõfirmauimus p nobis & heredibus nostris imperpetuum, quod ecclesia Anglicana libera sit, & habeat omnia iura sua integra, & libertates suas illesas. ¶ Cõcessimus etiã & dedimus omnibus liberis hominibus regni nostri, pro nobis et heredibus nostris, in perpetuum has libertates subscripte, tenendas & habendas eis et heredibus suis de nobis et heredibus nris in perpetuum.

¶ Reliefe. 1. cap. 2.

¶ Si quis comes, vel baronũ nostrorũ, siue aliorũ tenentiũ de nobis in capite p seruitiũ militare, mortuus fuerit, & cum decesserit, heres eius plene etatis fuerit, & relevium nobis debeat, habeat hereditatem suã per antiquũ relevium, scz heres vel heredes comitis, de comitatu integro, per centũ libras, heres vel heredes baronis de baronia integra, p centũ marcas, heres vel heredes militis, de feodo militis integro, per centum solidos ad plus. Et qui minus habuerit, minus det, secundum antiquam consuetudinem feodorũ.

¶ VVardes 1. cap. 3.

¶ Si autem heres alicuius taliũ fuerit infra etatem, dñs eius nõ habeat custodiam eius, nec terre sue, antequam homagiũ ceperit. Et postquam talis heres fuerit in custodia, cum ad etatem peruenerit (scilicet xxi. annorum) habeat hereditatem suã sine relevio, & sine fine ita tamen, ꝙ si ipse (dum infra etatem fuerit) fiat miles, nihilominus terra remaneat in custodia

custodia dominorum suorum, vsq; ad terminum p̃dictum.

¶ Wast. 1. cap. 4.

¶ Custos terre hmodi heredis, qui infra etatẽ fuerit, nõ capiat de terra heredis, nisi rationabiles exitus, & rationabiles consuetudines, & rationabilia seruitia, & hoc sine destructione & vasto hominũ et rerum. Et si nos cõmiserimus custodiã alicui alicuius talis fre vic. vel alicui alio, qui de exitibus terre illius nobis debeat respondere, & ille de custodia illa, destructionẽ, vel vastum fecerit, nos ab eo capiemus emendõ, & terra committat duobus leg. & discretis hominibus de feodo illo, qui de exitꝰ terre illius nobis respondeãt, vel illi cui nos illã assignauerimꝰ. Et si dederimꝰ, vel vẽdiderimꝰ alicui, custodiã alicuiꝰ talis fre, & ille inde destructionem fecerit, vel vastũ, amittat illã custodiã, et tradat duobꝰ discretis & leg. hominibus de feodo illo, qui similiter nobis respondeant, sicut p̃dictum est. | Vide Gloc. ca 5. & W. 1. ca. 21.|

¶ Wast 2. cap. 5.

¶ Custos autẽ q̃p diu custodiã terr̃ hmodi habuerit, sustẽtet domos, parcos, viuar, stagna, molendina &c. ad terram illam ptinentia, de exitꝰ terre eiusdẽ, et reddat heredi, cũ ad plenam etatem peruenerit, terrã suã tot instauratam de carucis et omnibus alijs rebus, ad minus sicut illam recepit. Hec omnia obseruent̃ de custodijs archiepiscopatuũ, epatuũ abbatiarum, prioratuum, ecclesiarum, et dignitatum vacantium, que ad nos pertinent,

excepꝛ quod custod̄ huiusmodi vendi non debent.

¶ Wardes. 2. cap. 6.

¶ Heredes autem maritentur absque disparagatione.

¶ Women. 1. cap. 7.

¶ Vidua post mortem mariti sui statim & sine difficultate aliqua habeat maritagiū suū & hereditatē suā: nec aliquid det ꝓ dote sua nec ꝓ maritagio suo, vel ꝓ hereditate sua habenda quam hereditatem maritus suus & ipsa tenuerunt simul, die obitus ipsius mariti sui, & maneat in capitali messuagio mariti sui, ꝑ quadraginta dies post obitū mariti sui infra quos dies assignet̄ ei dos sua, nisi ꝓius ei assignata fuerit, vel nisi domus illa sit castrum, & si de castr̄ recesserit, statim dom⁹ ei competens ꝓuideatur, in qua possit honeste morari, quousque dos sua ei assignetur, sc̄ōm quod pred̄ est, & habeat rationabile estouerium suū interim de cōi. Assignetur autem ei ꝑ dote sua, tertia pars toti⁹ terr̄ mariti sui, que fuit sua in vita sua, nisi de minori fuerit dotata ad ostium ecclesie. Nulla vidua distringatur ad se maritandū | dummod̄ voluerit viuere sine marito | Ita tamē qd̄ securitatem faciat, quod se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui, si de alio tenuerit | Pꝛerogat̄ regis ca. 4.

¶ Dette to the king. 1. cap 8.

¶ Nos vero vel ballini nostri, non seisiemus terram aliquam, vel redditum ꝑ debito

aliquo

aliquo, ꝙ diu catalla debitoris ꝑsentia sufficiunt ad debitum reddend, & ipse debitor paratꝰ sit inde satisfacere. ℔ec pleg. ipsiꝰ debitoris distringantur, quã diu ipse capitalis debitor sufficiat ad solutionem ipsius debiti. Et si capitalis debitor defecerit in solutione debiti, non habens vnde soluat, aut reddere noluerit cum possit, plegij de debito rñdeãt, & si voluerint, habeant terras & reddit debitoris, quousq; sit eis satisfact ꝺ debit, ꝙ antea pro eo soluerint, nisi capitalis debitor monstrauerit se inde esse quict versus eosdẽ plegios.

¶ Fraunchises. 2. Cap. 9.

¶ Ciuitas Londoñ habeat omnes libertates suas antiquas, & cõsuetudines suas. ℘eterea volumus & cõcedimus, qꝺ omnes alie ciuitates, burg. & ville, & barones de quinque portibus, et omnes alij portus, habeant omnes libertates, & liberas consuetudines suas. ℑrticul' sup cartas. ca. 7.

¶ Tenure 1. cap. 10.

¶ Nullus distringatur ad faciendum maius seruitiũ de feodo militis, nec de alio libero tenemento, quam inde debetur.

¶ Common p'ees, 1. cap. 11.

¶ Communia placita non sequãtur curiã nostram, sed teneantur in aliquo loco certo. ℑrticul' sup cart ca. 4.

¶ Assise. 1. cap. 12.

¶ Recognitiones de nouã disseisina, & de morte antecessoris, nõ capiantur, nisi in suis comitatibus, et hoc modo. ℔os vero si extra regniũ

fuerim⁹, capitales Justic̃ nostri mittẽt iustic̃ nostros per vnumquemq; com̃ semel in anno, q̃ cum militibus eozundem com̃, capiant in comit̃ illis assis. pzeð. Et ea q̃ in aduentu suo in illo comitatu per iustic̃ nostros pzeð ad dictas assisas capiend̃ nullos, finiri non possunt, p eosdem terminẽt alibi in itinere suo. Et ea q̃ per eosdem pzopt̃ difficultatem aliquozum articulozum terminari non possunt, referantur ad iustic̃ nostros de banco, & ibi terminentur.

¶ Darrein presentment. I. cap. 13.

¶ Assise de vltima pzesentione, semper capiantur cozam Justic̃ de banco, et ibi terminentur.

¶ Amerciament. I. cap. 14.

¶ Liber homo non amercietur pzo paruo delicto, nisi secundum modum illius delicti, et pzo magno delicto secũdum magnitudinẽ delicti, saluo sibi contenemento suo: et mercatoz eodem modo salua mercandisa sua, et villanus alterius quam noster, eodem mod̃ amerciet saluo wainagio suo, si inciderit in misericozdiam nostram. Et nulla p̃dictarũ misericozdiarũ ponatur, nisi per sacrament̃ pzobozum & legal̃ hominũ de vicineto. Comites et barones, non amercientur nisi per pares suos, et non nisi secundũ modum delicti. Nulla ecclesiastica persona amercietur secundum quantitatem beneficij sui ecclesiastici, sed secundum laicum tenẽ suum, & secundum quantitatem delicti.

¶ Barkes

Bankes.1. Cap.15.

¶ Nulla villa,nec liber homo distringat facere pōtes,aut riparias, nisi q̄ ab antiquo & de iure facere consueuerūt tēpore Henrici regis auī nostri |al' de iure facere debent.

¶Bankes.2. Cap.16.

¶ Nulle riparie defendantur de cetero, nisi ille q̄ fuerunt in defenso tempore Henrici regis auī nostri |et|p eadem loca, & eosdem terminos,sicut esse consueuerūt tēpore suo.

¶Plees of the Crowne.1. Cap.17.

¶ Nullus vic̄, cōstabularius,coronator, vel alij ballui nostri, tenant placita corone nostre.

¶Dette to the king.2. Cap.18.

¶ Si quis tenens de nobis laicū feodū moriatur,& vic̄,vel ballitus noster ostendat litteras nr̄as patētes de |cōmonitione nr̄a| de debito,q̄ defunct⁹ nobis debuit,liceat vic̄, vel ballio nostro attachiare, & imbreviare omnia bona & catalla defuncti inuēta in laico feodo ad valētiam ipsius debiti,q̄ visū et testimoniū legal' hominū, ita tñ q̄ nihil inde amoueatur, donec plolua' nobis debit', q̄ clarum fuerit,et residuū relinquatur executoribus ad faciendum testamentū defuncti. Et si nihil nobis debeatur ab ipso, ōnia catalla cedant defuncto, saluis uxori eius, et |liberis| p̄ueris suis,rationabilibus partibus suis.

Castels.1. Cap.19.

¶ Nullus cōstabularius,vel eius ballius

capiat blada, vel alia catalla alicuius q̄ non sit de villa vbi castrum suum situm est, nisi statim reddat denarios, aut respectum inde habere possit de voluntate venditoris. Si autem de villa illa fuer̄ infra quadraginta dies precium redd̄ | W. 1. ca. 7. et 31.

¶ Castels. 2. cap. 20.

¶ Nullus constabularius distringat aliquem militem, ad dandum denarios p̄ custod̄ castri, si ipse eam facere voluerit, in propria persona sua, vel per aliū probum hominem faciat, si ipse eam facere non possit, propter rationabilem causam. Et si nos abduxerimus, vel miserimus eum in exercitum, sit quietus de custodia castri secundum quātitatem temporis, quo per nos fuerit in exercitu, de feod̄ p̄o quo fecit seruicium in exercitu.

¶ Purueicors. 1. cap. 21.

¶ Nullus vic̄ vel ballimus n̄r̄, vel aliquis alius, capiat equos, vel carectas alicuius p̄o cariagio faciēdo, nisi reddat liberationē antiq̄t̄ statut̄, sc̄z p̄ vna carecta ad duos equos decem denarios per diem, et p̄o carecta ad tres equos quatuordecim den̄ p̄ die. Nulla carecta dñica alicuius persone ecclesiastice, vel militis, vel alicuius dñi p̄ ballivos n̄ros capiatur, nec nos, nec ballivi nostri, nec alij capiemus boscum alienum ad castra, vel ad alia agenda nostra, nisi per voluntatem illi⁹ cuius boscus ille fuerit.

¶ Forfeiture. 1. cap. 22.

¶ Nos non tenebimus terras illor̄, qui con-

conuicti fuerint de felonia, nisi p vnum annum et vnum diem: et tunc reddantur terre ille dñis feodorum. |Prerog. regis ca. viii.

¶Weres.I. cap.23.

¶Omnes kideli deponantur de cetero penitus p Thamesiam, & Medeweiam, & per totā Angl, nisi per costeram maris.

¶Right.I. cap.24.

¶Breue quod vocatur Precip in capit, de cetero non fiat alicui de aliquo libero tenemento, vnde liber homo perdat curiam suā.

¶Weights.I. cap.25.

¶Una mensura vini sit per totum regn nostrum, & vna mensura cervicie, & vna mēsura bladi, scilicet quarterium Lond, et vna latitudo pannorum, tinctorum, russatorū, et hanbergettarū, scz due vlne infra listas. De ponderibus vero sit sicut de mensuris.

¶Fine to the king.I. cap.26.

¶Nihil de cetero detur, p breue inquisitionis ab eo qui inquisitionem petit de vita, vel de membris, sed gratis concedat, & non negetur. |W.2.ca.29.

¶Wards.3. cap.27.

¶Si aliqui teneāt de nobis p feod firmā, vel per socagium, vel burgagium, & de alio teneant terram per servicium militare, nos nō habebim⁹ custodiā heredis, nec terre sue, que est de feodo alterius, occasione illius feodi firme, vel socagij, vel burgagij. Nec habebim⁹ custodiā illius feod firme, vel socagij, vel burgagij, nisi ipsa feodi firma nobis debeat servicium militare. Nos non habebimus custodiā

custodiam heredis, vel alicuius terre quam tenet de aliquo alio per seruitium militare, occasione alicuius parue seriantie, quã tenet de nobis per seruitiũ, reddendo nobis cultellos, sagittas, vel huiusmodi.

¶ Wager of law. 1. Cap. 28.

¶ Nullus ballinus de cetero ponat aliquem ad legem manifestam, nec aduramentũ simplici loquela sua, sine testibus fidelibus, ad hoc inductis.

¶ Accusation 1. Chap. 29.

¶ Nullus liber homo capiatur, vel imprisonetur, aut dissesietur de libero tenemento suo, vel libertatibus, vel liberis consuetudinibus suis, aut vtlagetur, aut exuletur, aut aliquo modo destruatur, nec super eũ ibimus nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terre. Nulli vendemus, nulli negabimus, aut differemus iustitiam vel rectum.

¶ Merchants. 1. Chap. 30.

¶ Omnes mercatores, nisi publice antea prohibiti fuerint, habeant saluum & securum conductum, exire de Anglia, et venit in Angliam, et morari, et ire per Angliam, tam per terram, quã per aquam, ad emendũ vel vendendum, sine omnibus malis toltetis p antiquas & rectas consuetudines, preterquam in tempore guerre. Et si sint de terra cõtra nos guerrina, et tales inueniantur in terra nostra in principio guerre, attachientur sine dampno corporis sui|or| rerum, donec sciatur a nobis, vel a capitali Iusticiario nostro, qua-

quomodo mercatores terre nostre tractentur, qui tunc inueniantur in terra illa contra nos guerrina. Et si nīt salui sint ibi, alij salui sint in terra nostra.

¶ Tenure.2. Cap.31.

¶ Si qs tenuerit de aliqua escaeta, sicut de honore Wallingford, ¶ Noting. Boloñ, | Lanc. | et de alijs escaetis, que sunt in manu nostra, & sint baronie, et obierit, heres eius non det aliud relcuiū, nec faciet nobis aliud seruicium quā faceret baroni, si | illa | baronia esset in manu baronis, et nos eodē modo cā tenebimus, quo baro eā tenuit. ¶ Nec nos occasione talis baronie vel escaete habebimus aliquam escaetam, vel custodiam aliquorum nostrorum hominū, nisi de nobis alibi tenuerit in capite ille qui tenuit | de | baronia vel escaeta illa.

¶ Tenure.3. Cap.32.

¶ Nullus liber homo det de cetero amplius alicui, vel vendat | alicui | de terra sua, quā vt de residuo terre sue possit sufficienē fieri domino feodi seruitium ei debitum, qđ pertinet ad feodum illud.

¶ Vacations &c.1. Cap.33.

¶ Omnes patroni abbatiarū, q̄ hñt chartas regū Anglie de aduocatione, vel ātiquā tenurā vel possessionē, hēant eas custodiam cum | vacauerint | sicut habē debent, sicut superius declaratum est | ca.5. |

¶ Appelles 1. Cap.34.

¶ Nullꝰ capiat aut imprisonet propt appellū femine de morte alterius quā viri sui.

Country

¶ County & Tourne. 1. cap. 35.

¶ Nullus comitatus de cetero teneatur nisi de mense in mensem, & vbi maior termin⁹ esse solebat, maior sit | vide 2. Ed. 6. cap. 25. | Nec aliquis vicecomes vel baliu⁹ su⁹ faciat turnum suum per hundredum, nisi bis in anno, et nō nisi in loco debito et cōsueto, videl semel post Pascha, & iterum post festū sancti Michaelis. Et visus de franc pleg. tūc fiat ad illum terminum sancti Michaelis sine occasione. Ita scz quod q̄libet habeat libertates suas, quas habuit vel habere cōsuevit tempore regis Henrici aui nostri, vel quas postea perquisiuit. Fiat autē visus de franc pleg. sic, videlicet quod pax nostra teneat & quod Trithinga teneatur integra sicut esse consueuit, & quod vicecomes non querat occasiones, & contentus sit de eo quod vic̄ habere consuevit de visu suo faciendo, tempore H. regis aui nostri. | vide Mart' cap. 10.

¶ Mortmaine. 1. cap. 36.

¶ Nec liceat de cetero alicui, dare terram suā alicui domui religiose, ita qō illā resumat de eadem domo tenēdō; Nec liceat alicui domui religiose terrā alicuius sic accipere, q̄ tradat illā illi a quo eam accepit tenendō. Si quis autem de cetero terram suam alicui domui religiose sic dederit, & sup hoc cōuictatur, domum suā penitus cassetur, & terra illa domino illius feodi incurratur | vide statutū de Religiosis. anñ. 3. E. 1.

¶ Escuage. 1. cap. 37.

¶ Scutagiū de cetero capiat̄ sicut capi con-

consueuit tempore H. regis aui nostri.

¶ Fraunchises. 3. cap. 38.

¶ Et salue sint archiepiscopis. episcopis, abbatibus, prioribus, templariis, hospitalariis, comitibus, barombus, & omnib⁹ aliis tã ecclesiasticis personis quam secularibus, omnes libertates et libere consuetudines quas prius habuerũt. Omnes autem istas cõsuetudines & libertates predictas cuas concessimus in regno nõo tenendõ (quãtũ ad nos ptinent) erga nos et heredes nostros obseruemus, et omnes de regno nostro tam clerici ꝙ laici obseruent (quantũ ad se pertinent) erga suos. Pro hac autem donatione & concessione libertat istar & aliarũ libertat contentarum in Charta nostra de libertatib⁹ forestę, archiepiscopi, episcopi, abbates, priores, comites, barones, milites, libere tenentes & omnes de regno nostro dederunt nobis quintodecimã partẽ omniũ mobilium suorũ | vide stat 7. añ. 25. E. 3. | Concessimus etiã eisdẽ pro nobis et heredibus nr̃is, quod nec nos nec heredes nostri, aliquid perquiremus, per quod libertates in hac Charta contente infringantur vel infirmentur. Et si ab aliquo contra hoc aliquid perquisit fuerit, nihill valeat et pro nullo habeatur. His testibus Bonifacio Cantuarien̄ Archiepiscopo E. Londoñ Episcopo, et aliis. Datum apud Westm̃ decimo die Februarij, Anno regni nostri nono.

¶ Nos autẽ donationes et concessiones predictas ratas habentes, & gratas, eas pro nobis

nobis et heredibus nostris, concedimus & cõfirmamus, easq; tenore p̃sentiũ innouamus volentes et concedentes p̃o nobis et heredibus nostris, quod Charta nostra p̃cẽ in omnibus & singulis suis articulis in perpetuum firmiter et inuiolabiliter obseruetur, etiam si aliqui articuli in eadem Charta cõtenti, hucusq; forsitan non fuerint obseruati, de cetero obseruentur. His testibus venerabilibus patribus R. Cantuariẽ Archiepiscopo totius Anglie p̃imati A. Dunelmẽ Episcopo &c. Datum per manum nostram apud Westmonasterium xxbuj. die Martij. Anno regni nostri vicesimo octauo. | Vide Marlebr̃ ca. 5.|

¶ Charta de Foresta edita. Anno ix. Henrici. iij.

EDward' dei gratia, rex anglie, dominus Hiberñ, & dux Aquitañ, archiepiscopis, episcopis, abbatibus, p̃oribus, cõm, baroñ, Justic. | forestariis | vic. p̃positis, ministris, & omnibus ballivis, & fidelibus suis salutẽ. Inspeximus chartam domini H. quondam reg. Anglie patris nostri, de foresta in hec v̄ba, Henricus dei gratia &c. vt supra in p̃ncipio Magne Charte.

¶ Foresta.

¶ Foresta. I. cap. I.

¶ In primis omnes Foreste, quas H. auus noster afforestauit, videantur per bonos & leg. homines. Et si boscū aliquē alium q̄ suū dnicū afforestauerit, ad dampnum illius cuius boscus ille fuerit, statū deafforestet. Et si boscum suum proprium afforestauerit, remaneat foresta, salua cōia de herbagio, & aliis in eadem foresta, illis qui prius eam habere consueuerunt.

2 ¶ Homines vero qui manēt extra forestā non veniant de cetero cora iustic nostris de foresta p cōes sūmonitiones, nisi sint implacitat, vel plegij alicuius vel aliquoz̄, qui attachiati sint propter forestam.

3 ¶ Omnes antē bosci qui fuerūt afforestati per regem Ricm auunculum nostrū, vel per regem Johannem patrem nostrum vsq; ad primā coronationem nostrē, statim deafforestentur, nisi sit dominicus boscus noster.

4 Archiepiscopi, episcopi, abbates, priores, comites, barones, milites, et liberi tenentes qui habent boscos suos in forestis, habeant boscos suos, sicut eos habuerunt tempore prime coronationis regis Henrici aui nostri ita qō quieti sint in perpetuum, de omnibus purpresturis, vastis, & assertis, factis in illis boscis post illud tempus vsq; ad principium secundi anni coronationis nostrē. Et qui de cetero vastum, purpresturam, vel assartum, (sine licentia nostra) in illis fecerint de vastis, purpresturis & assartis nobis respōdeant.

5 ¶ Regar-

5 ¶ Regardatores nostri, eant per forestã ad faciendũ regardum, sicut fieri consuevit tempore prime coronationis regis H. aui nr̃i & non aliter.

6 ¶ Inquisitio vel visus de expeditatione canũ existentium in foresta nostra, de cetero fiat qñ fieri dz regardũ, scz de tercio anno in tercium annum. Et tunc fiat p visum & testimonium leg. hoĩm, et non aliter. Et ille cui⁹ canis inuentus fuerit tunc non expeditatus det pro mia tres solidos. Et de cetero nullus bos capiatur pro expeditatione canum. Talis autem expeditatio fiat per assisam cõmuniter vsitatam, videlicet quod tres ortelli abscindantur sine pellota de pede anteriori. Nec expedientẽ canes de cetero, nisi in locis vbi consueuerunt expeditari tempore prime coronationis pred̃ regis H. aui nostri.

7 ¶ Nullus forestarius, vel aĺ ballyuus de cetẽ faciat scotalas, vel colligat harbas, vel auenã, vel bladũ aliquod, vel agnos, vel porcellos, nec aliquam collectã faciat, nisi p visũ et sacrm xij. regardatorũ, quando facũt regardũ. Et ot forestarij ponantur ad forestas custodiendũ quot ad illas custodiendũ rõnabiliẽ viderint sufficere.

8 ¶ Nullum Swanimotum de cetero teneaẽ in regno nostro, nisi ter in anno, videlicet in principio xv. dierum ante festum sancti Michaelis, quando agistatores nostri conuenunt ad agistandũ dñicos boscos nostros & circa festum Sancti Martini in hieme qñ agistatores nr̃i debent recipere pannagiũ nostrum

nostrum. Et ad ista duas ſwanimota conue-niant forestarij, viridarij, & agistatores & nul-li alij p districtionē. Et tertiū ſwanimotū teneatur in initio xv. dierū ante festum sancti Johannis Baptiste, pro venatione bestia-rum nostrarum. Et ad illud ſwanimotū te-nendū conueniant forestarij, viridarij, et non alij p districtionem. Preterea singulis xl. di-ebus per totū annū conueniant forestarij, et viridarij, ad videndū attachiamenta de foresta, tam de veridi quam de venatione, p presen-tationem ipsorū forestariorum, & coram ipsis attachiet. Predicta autē ſwanimota non te-neantur nisi in com̄, in quibus, teneri consu-euerunt.

9 Unusquisq; liber homo agistet boscū suū in foresta p voluntate sua, & habeat pan-nagium suū. Concedimus etiā q; unusquis-que liber homo ducere possit porcos suos p dnicum boscū nr̄m, libere & sine impedimēto, ad agistandū eos in boscis suis proprijs, vel ali-bi ubi voluerit. Et si porci alicujus liber hominis una nocte pernoctaverint in foresta nostra, non inde occasionet unde aliquid de suo perdat.

10 Nullus de cetero amittat vitam, vel membra p venatione nr̄a. Sed si quis capt̄ fuerit & convict̄ de captione venationis nr̄e, graviet redimat, si habeat unde redimi possit. Si autem nō habeat unde redimi pos-sit, jaceat in prisona nr̄a p unum annū et u-nū diem. Et si post unū annū & unum diem plegi inveniē possit quod amplius de vena-

tione nostra non forisfaciet | exeat de prisona, sin autem, arbitret regnum Anglie.

11 ¶ Quicunq; archiepiscopus, epus, com, vl' baro, veniens ad nos ad mandat nostrū, transierit per forestam nostram, liceat ei capere unam bestiam, vel duas, per visum forestarij si presens fuerit, sin autem faciat cornare, ne videatur hoc furtive facere. Hoc idem liceat eis redeundo facere, sicut predict est.

12 ¶ Si quisq; liber homo de cetero sine occasione faciat in bosco suo, vel in terra sua siue in aqua q̄ hēt in foresta nostra, molendū vivar, stagnū, marleram, fossat, vel frā arabilē extra coopart in terra arabili, ita quod non sit ad nocumēt alicuius vicini.

13 ¶ Si quisq; liber homo habeat in boscis suis aereas accipitrū, tsperuar, falconū, aquilarū, et hieronū: neāt similiter mel, q̄ inuent fuerit in boscis suis.

14 ¶ Nullus forestarius de cetero, qui nō sit forestarius de feodo, reddens nobis firmā p ballliua sua, capiat chimmagium aliquod in ballliua sua. Forestarius autem de feodo firmā nobis reddens pro ballliua sua, capiat chimagium, videlicet pro carecta per dimd annum duos denarios, et per alium dimdiū annum, duos denarios, et p equo qui portet sammagium per dimd annum obulū, et p alio dimdiū annū obulum, et nō nisi de illis, q̄ de extra ballliuā suā, tanq̄ mercatores veniunt p licentiā suam, in ballliuā suā, ad boscū mairemium, corticē, vel carbonem emendū, et alibi ducendū

ducend̄ ad vendendum vbi voluerint. Et de
milla alia carecta, vel |equo portante| sūma-
giū aliqū chimmagium capiatur. Et nō ca-
piatur chimmagiū, nisi in locis in quib⁹ an-
tiquitus capi solebat et debuit. Illi autē q̄
portant supra dorsum suum boscum, cor-
ticē vel carbonem ad vendēd̄, q̄uis inde viuant,
nullum de cetero dent chimmagiū forestariis
nostris, preterq̄ in dominicis boscis nos-
tris.

15 Omnes vtlagati pro foresta |tātum|
a tempore regis H. aui nr̄i vsq; ad primam
coronationem nr̄am, veniāt ad pacem nr̄am
sine impedimento, & saluos plegios nobis inue-
niant, quod de cetero non forisfacient nobis
in foresta nostra.

16 Nullus constabularius, castellanus,
vel ballivus teneat placita de foresta, siue de
viridi, siue de venatione |nostra| sed quilibet
forestarius de scodo attachiet placita de fo-
resta, tam de viridi quam de venatione, & ea
presentet viridariis prouinciarū, et cū irro-
tulata fuerint, et sub sigillis viridariorum
inclusa, p̄sententur capitalibus iusticē nostris
de foresta, cum in partes illas venerint ad
tenend̄ placita de foresta, et coram eis t̄minēt.
Has aut libertates de forestis concessim⁹ ō-
nib⁹ &c. Saluis archiep̄is, episcopis, abbati-
bus, prioribus, com̄, baronib⁹, militib⁹, et alijs
p̄sonis tam ecclesiasticis quam secularibus,
templariis, et hospitalariis, libertatibus et li-
beris cōsuetudinibus in forestis, et extra, in
warrennis et alijs, quas prius habuerunt:

Omnes autē illas cōsuetudines &c. vt in fine magne Charte. Nos autē donationes &c. vt in fine eiusdem magne Charte &c | Vide Marlebr̄, cap. 5.

¶ Incipit Statutum de Merton edit' Anno. xx. Hen. iii. &c.

PRouisū est in Curia domini regis apud Mertō, die Mercurij, in crastino sancti Vincentij, anno regni regis Henrici filij regis Johannis xx. coram M. Cantuariensis archiepiscopo, et coepiscopis, suffraganeis suis, & coram maiori parte comitum & baronū Anglie ibidem existentium, pro coronatione ipsius domini regis et Helionore regine, p quos omnes vocati fuerunt, cum tractatum esset de communi vtilitate regni super articulis subscriptis, ita prouisum fuit et concessum, tam a predictis archiepiscopis, episcopis, comitibus, baronibus, quam ab ipso rege, et alijs.

¶ Dower I. cap. I.

¶ De viduis primo, que post mortem virorum suorum, expelluntur de domibus suis, et dotes suas, vel quarentenam |suam| habere non possunt sine placito, videlicet quod quicunq; dekoriauerit eis dotes suas, vel quarentenam suam, de tenementis de quibus viri sui obierint seisit', et ipse vidue postea p |placitum |recuperauerint, ipsi |dekorī| de inuisto

iniusto defonciamento conuicti fuerint, reddant eisdem viduis dāpna sua, scilicet valorem totius dotis eas contingentis, a tēpore mortis virorum suorum, vsq; ad diē quo ipse vidue per iudicium carie seisinam suam inde recuperauerint. Et nihilominus ipsi defonciatores sint in misericordia domini regis.

¶ Willes. 1. Cap. 2.

¶ Item ōnes vidue de cētero possint legare blada sua, de fra sua, tam de dotib⁹ suis, q̄ de aliis terris et tenementis suis, salvis consuetudinibus & seruitijs dominorū de feodo, que de dotibus & aliis tēn suis debentur.

¶ Redisseisin. 1. Cap. 3.

¶ Item si ēs fuerit dissaisit⁹ libero tēn suo, & cōtra iuste itinerantibus seisinam suā recuperauerit, p assisam noue disseisine, vel per recognitionem eorū qui fecerint disseisinam, et ipse dissaisitus per vic', seisinam suā habuerit, si isdē dissaisitores postea, post iter iuste vel inde, de eodem tēn iterum eundē conquerentem dissaisiauerint, et inde conuicti fuerint, statim capiantur & in prisona domini regis detineantur, quousq; per dominum regem per redēptionem, vel aliquo alio modo deliberentur. | Vide Marlebē capit. 8. | Et hec est forma qualit' tales conuicti puniri debeant, videlicet cū cōquerentes ad curiā deniant, habeāt bē dñi regis vic' directū, in quo continetur cōtra narratio de disseisina facta super disseisinam. Et ideo mandet

vic̃, q̃ assũptis secum custodibus placitorũ coꝛone dñi regis, & alijs legalib⁹ militibus in ꝓpꝛia ꝑsona sua accedat ad ten̄ illud, vel ad pasturam illam, de quibus facta fuerit q̃rela, et coꝛã eis per primos iuratoꝛes, & p alios vicinos, & legales homines | de vicineto illo | diligẽtem inde faciat inq̃sitionem. Et si ipsum iterum inuenerint disseisitũ (sicut predictum est) tunc faciant secundum ꝓuisionem predictam, sin autem, tunc sit somꝛens in misericoꝛdia domini regis, & alius quietus recedat. ¶Nec debet vic̃ (sine speciali ꝓcepto dñi regis) huiusmodi loquelam ꝓsequi. ¶Eodem modo fiat de illis, q̃ scisinã recuperauerint p assisã mortis ãtecessoꝛis, et similiter de omnibus fris & ten̄ recuperatis p iuraꝛ in curia domini regis, si postea disseisiti fuerint a pꝛioꝛibus defoꝛciatoꝛibus, ver⁹ quos recuperauerint periuraꝛ quoquomodo, | vide W. 2. ca. 26.

¶ Approuements. I. cap. 4.

¶ Item quia multi magnates Anglie, q̃ feoffauerunt milites et | alios | libere tenẽtes suos de paruis tenementis in magnis maneriis suis, questi fuerunt, quod commodũ suum facere non potuerunt de residuo maneriorum suorum, sicut de bastis, boscis, et pasturis | communibus | cum ipsi feoffati habeant sufficientem pasturam, quãtum pertinet ad ten̄ sua | ita | ꝓuisum est, et concessum, quod quicunq; hui⁹modi feoffati assisam noue disseisine deferant de communia pasture sue, et coꝛã iustic̃ recognitum fuerit quod

quod tantam pasturam habeant, quantum sufficiet ad ten̄ sua, et quod habeant liberum ingressum et egressum, de|liberis| tenementis suis, vbiq; ad pasturam suam: tunc inde sint contenti; et illi de q̄bus conquestu fuerint recedant quieti, de hoc quod commodū suū de terris, vastis, boscis, et pasturis fecerint. Si autem dixerint, q̄ sufficientem pasturam non habeant, vel sufficientem ingressū|vel|egressum, quantum pertinet ad ten̄ sua, tunc inquirat veritas per assisam. Et si p assisam recognitum fuerit, quod per eosdem delatores, in aliqua fuerit impeditus, eorum ingressus vel egressus, vel q̄ non habeant sufficientem pasturam, et sufficientem ingressum et egressū, sicut predictum est: tunc recuperent seisinam suam, per visum iuratorum, ita q̄ per discretionem et sacramentum eorum, habeant conquerentes sufficientem pasturā, et sufficientem ingressum et egressum in forma predicta, et disseisitores sint in mīa dñi regis, et dāpna reddāt, sicut reddi solent ante prisionem istam. Si autem recognitum fuerit p assisam, q̄ querentes sufficientem habeant pasturā, cū libero et sufficienti ingressu et egressu, sicut p̄dictum est: tunc licite|et libere|faciant | dñi | commodū suū de residuo, et recedant de illa assisa quieti.| W.2.ca.48.|

¶Vsury.I. cap.5.

¶ Similiter prisum est, et a domino rege concessū, quod de cetero nō curret vsure cōtra aliquem infra etatem existen̄, a tempore

mortis antecessoris sui, cuius heres ipse est, vsq; ad legitimam etatem suam, ita tamen qđ propter hoc non remaneat solutio debiti principalis simul cum vsuris ante mortem antecessoris sui, cuius heres ipse est inde prouenientibus.

¶ Wardes. 4. cap. 6.

¶ De heredē per parentes, vel per alios, contra pacem vi abductis, vel detentis, seu maritatis, ita prouisum est, quod quicunque laicus inde conuictus fuerit, qđ puerū aliquem sic detenuerit, abduxerit, seu maritauerit, reddat perdenti valorem maritagij: et pro delicto corpus eius capiat, vt imprisonetur, donec perdenti emendauerit delictū, si puer maritetur: et preterea donec domino regi latisfecerit p trālgressione sua. Et hoc de herede infra quatuordecim ānos existen. De herede autem cū sit quatuordecim ānorum, vel vltra, vsq; ad plenam etatem, si se maritauerit sine licentia dñi sui vt ei auferat maritagiū suū, et dominꝰ eius offerat ei rationabile maritagium, vbi non desperagetur dominus suus, tunc tenebat terrā eius vltra terminum etatis sue, scilicet. xxj. annorū, per tantū tēpus qđ inde possit percipere duplic valorē maritagij, secundū estimationem legaliū hominum, vel secūm qđ ei p eođ maritagio prius fuerit oblat sine fraude & malitia, & secūm qđ pbari poterit in curia domini regis.

¶ Wardes. 5. cap. 7.

¶ De dñis qui maritauerint illos quos habent

habēt in custod̄ villanis vel alīs, sicut bor-
genſ. vbi desperagent: ſi talis heres fuerit
infra xiij. annos & talis etatis qđ cōsentire
non possit matrimonio: tunc ſi parentes cō-
querantur de illo dño, dñs ille amittat cus-
todiam blōz ad etatem heredis, & dmne cō-
modū, quod inde p̄ceptum fuerit, convertat̄
in commodum ipsius heredis qui infra etat̄
est, secundum dispositionem & p̄visionem
parentum suoz̄, p̄pter dedecus ei factum.
Si autē fuerit .14. ānoz̄ & vltra, qđ cōsen-
tire poterit, et tali maritagio cōsenserit, nul-
la sequatur pena: Si quis heres cuiuscunq;
fuerit etatis p̄ro dño suo se noluerit mārita-
re, non compellat̄ hoc facere, sed cū ad etat̄
venerit, det dño suo & satisfaciat ei de tāto
quantū inde p̄cipere posset ab aliquo p̄ ma-
ritagio suo antequā ter̄am suam recipiat, et
hoc siue se voluerit mārītare, siue non: quia
maritagium eius, q̄ infra etatem est, de nicro
ture pertinet ad dominum feodi.

¶ Lamirac. 1. Cap. 8.

¶ De narratione discens̄ in bēi de recto
ab antecessore a tēpore H. regis senioris an-
no & die, p̄visū est qđ de cetero nō fiat mē-
tio de tā longinquo tempore, sed a tempore
H. regis aui nostri, & locū habeat ista p̄visio
ad Penthecosten̄ Anno regni dñi regis
nūc. xv. & nō antea: & breuia p̄ius impetra-
ta p̄ocedant. Breuia motis antecessoris, de
natiuis, & de ingressu, non excedant vltimū
reditū dñi regis Johānis q̄ reuersus in Ang-
liam, & locum habeat ista p̄visio &c. vt sup.

Breuia

Wrenia none dill. non credant primã trãsl. dñi regis qui nunc est in Walcon, & locũ habeat ista, prius a tẽpore pred, et breuia pus impetrata procedant. / Vide. W. 1. cap. 39. et 32. H. 8. cap. 2.

¶ Bastardy. 1. Cap. 9.

¶ Ad hẽc regis de Bastardia vtrũ aliqs natus ante matrimoniũ habere poterit hereditatẽ, sicut ille q̃ natus est post matrimoniũ, responderunt oẽs episcopi, quod nolunt nec possunt ad istud breue respõdere, q̃a hoc esset contra cõmunem formam ecclesie. Et rogauerũt omnes episcopi magnates, vt cõsentirent quod nati ante matrimoniũ essent legittimi, sicut illi q̃ nati sũt post matrimoniũ, quantũ ad successionem hereditariam, quia ecclesia tales habet pro legittimis. Et oẽs comites & barones vna voce respõderũt qõ nolunt leges Anglie mutare, q̃ hucusq; vsitate sunt & approbate.

¶ Attumev. 1. cap. 10.

¶ Prouisum est insuper, quod quilibet liber homo, qui sectam debet ad com, trithing, hundred, et Swapenk, vel ad curiam domini sui, libere possit facere attorn suum, ad sectas illas p eo faciendas.

¶ Forests. 17. cap. 11.

¶ De malefactoribus in parcis & viuarijs nondũ est discussum, quia magnates petierunt prorogatiam prisonam de illis, quos caperent in parcis et viuarijs suis. Quod quidem dominus rex contradixit, et ideo differtur.

¶ Dies

¶ Dies communes in banco, edit. An. li. H. 3.

¶ Dayes in banke. I. cap. I.

Si dies venerit in oct̄ sancti Michaelis, tūc dabit dies in oct̄ sācti Hillarij. Si in q̄ndeñ sācti Michael', in q̄ndena sancti Hillarij. Si tribus septimanis sancti Michaelis, in crastin̄ ꝓpurificationis beate Marie. Si in mense sancti Michaelis in oct̄ ꝓpurificatiōñ beate Marie. Si in crastino animarum, in quindena Pasche. Si in crastino sancti Martini in tribus septimanis Pasche. Si in oct̄ sācti Martini in mense Pasche. Si in quindena sancti Martini, in v. septimañ. Pasche. Et est quidam dies specialit̄ dat⁹ in crastino Ascentionis domini, et tñ valet quant. v. septim̄ Pasche. Si in octab. sancti Hill' in oct̄ sancte Trinitatis. Si in xv. sc̄ti Hill' in xv. sācte Trinitat', et aliq̄n in crastino sancti Johannis Bapt̄. Si in crastino ꝓpurificat̄ beate Marie, in crastino, et in octa. sancti Johānis Bap. Si in oct̄ ꝓpurificat̄ in xv. sancti Johannis Bap. Si in quindena Pasche, in oct̄ sancte Michaelis. Si in tribus septim̄ Pasche in q̄ndena sācti Michaelis. Si in mense Pasche, in tribus septimanis sancti Michael'. Si in v. septimanis Pasche vel in crastino Ascensionis domini, in mense sancti Michaelis, vel in oct̄ sancte Trinitatis, in crastino animarum.

Si

Si in q̄ndena sācte Trinitatis, vel in crastino sancti Johannis Bapt in crastino scti Martiñ. Si i octa. scti Jo. Bapt, in octa. sācti Martini. Si in q̄ndena sancti Johānis Bap. in quindena sācti Martini. Et sic respondet quilibet terminus alij | Vide. 31. H. 8. cap. 21.

¶ Dies communes in bāco in placito dotis ediī. An. li. H. 3.

¶ Dayes in banke. 2.

Si in octa. sancti Michaelis tre venerit, dabitur dies in crastino animar. Si in q̄ndena sācti Michaelis, dabitur dies in crastino sancti Martini. Si in mense sancti Michaelis, in r̄b. Martini. Si in crastino animar in oct sancti Hillarij. Si in crastino Martini in r̄b. Hilar. Si in oct Mark, in crastino Purificationis. Si in quindena Martini, in oct purific. Si in oct Hillarij, in r̄b. Pasch. Si in quindena Hill', in tribus septiñ Pasch. Si in crastino Purific, in mēse Pasch. Si in oct Purificatioñ, in crastino Ascensionis. Si in quindena Pasche, in oct Trinitatis. Si in tribus septiñ Pasche, in r̄b. Trinitatis. Si in mēse Pasche, in crastino sancti Johannis Bapt. Si in v. septiñ Pasche in oct sancti Johannis. Si in crastiñ Ascēcionis dñi, in r̄b. scti Johānis,

Si

Si in octabis Trinitatis, in octabis sancti Michaelis. Si in quindena sancte Trinitatis, in xv. sancti Michaelis. Si in crastino sancti Johannis Baptiste, in iij. septim̃ sancti Michaelis. Si in octab. sancti Johannis Baptiste, in mense sancte Michaelis. Si in quindena sancti Johãnis Baptiste, in crastino animarum. Vide. 32. H. 8. ca. 21.

¶ Statutũ de Marlebridge edit anno, lii. H. iii.

ANno gratie M. CC lxvij. regni autẽ dñi Hẽr filij regis Johãnis quinquagesimo sexto, in octa. sancti Martini prouidẽte ipso dño rege, ad regni sui Anglie meliorationem, et exhibitionem iusticie (prout regalis officij expedit vtilitas) pleniorem, conuocatis discretioribus eiusdem regni, tam maioribus quam minoribus, prouisum est, et statut, ac concordatum et ordinatum, vt cum regnum Anglie multis tribulationibus et dissensionum incommodis nuper |esset| deperissium, reformatione legum & iurium (quibus pax & trãquilitas incolarum conseruetur) indicat, ad qõ remedium salubre per ipsũ regem & suos fideles oportuit adhiberi: prouisiones, ordinationes, et statuta subscripta, ab omnibus regni ipsius incolis, tam maioribus quã minoribus, firmiter et inuiolabiliter tẽporibus perpe-

perpetuis statuerit obseruari.

¶Distres. I. cap. I.

¶Cum autem tempore turbationis nuper in regno Anglie suborte, & deceps, multi magnates, et alij iustitiam indignati fuerint, recipere per dominum regem et curiam suam, prout debuerunt, & consueuerunt temporibus predecessorū ipsius domini regis et etiam tempore suo: sed de vicinis suis, et alijs per seipsos graues vltiones fecerunt, et districtiones, quousq; redemptiones recepperint ad voluntatem suam. Et preterea quidam eorum, se per ministros domini regis iusticiarij non permittant, nec sustineant qđ per ipsos liberentur districtiones, quas auctoritate propria fecerint ad voluntatē simm: Prouisum est, concordat, et concessum, qđ tam maiores quā minores, iusticiam habeāt et recipiant in curia domini regis: Et nullus de cetero vltiones, aut districtiones faciat p voluntatem suam, absq; consideratione curie domini regis, si forte dampnū vel iniuria sibi fiat, vnde emendas habere voluerit de aliquo vicino suo, siue maiore siue minore. Super articulo autē supradicto prouisū est et concessū, qđ si quis de cetero vltiones huiusmodi capiat p voluntatem suā propriā absq; cōsideratione curiē dñi regis (vt dictū est) et inde conuincatur, puniatur p redemptionē, et hoc secūdū quantitatem delicti. Et similiter si vicinus sup vicinū suū faciat districtionē, sine cōsideratione curiē dñi regis, p qđ dampnū habeat, puniatur eodē modo, et

hoc

hoc secundū quantitatem deliti. Et nihilominus fiant emende plene & sufficienter eis, qui dāpna sustinuerint p hmōdi districtiones.

¶ Distres. 2. cap. 2.

¶ Nullus inſup maior vel minor distringat aliquem ad veniendū ad aut̄ sua, q̄ nō sit de feodo suo, aut sup ipsū nō habeat iurisdictionē p hundred|swapētag.|vel ballliuā,| que sua sit |nec districtiones faciat extra feodum suū, seu locū vbi ballliuam habeat vel iurisdictionē. Et qui contra hoc statutum fecerit, puniatur eodē modo, et hoc secundum delicti quantitatē,|et etiā qualitatem.

¶ Distres. 3. Cap. 3.

¶ Si quis autem maior vel minor, ymittere noluerit liberari per ministros domini regis, secundū legem et consuetudinem regni, districtiones quas fecerit: aut etiā sustinere noluerit summonitiones, attachiamēta, executiones iudiciorū curie domini regis fieri| secūdum legem et consuetudinē regni vt pred̄ est| puniatur modo predicto, tanquā se iusticiari non permittens, & hoc secundū delicti quantitatē. Et si quis maior vel minor districtiones faciat sup tenentē suū, p fructibus & consuetudinibus, que ibi debent dicat, vel pro re altera; vnde ad dñm feodi pteneat districtiones facere, et postea conuincat, qd tenēs ea ibi nō debeat: nō ideo ptinat dñs p redēptionē, vt in supradictis casibus, si ymittat districtiones deliberari secundū legē et consuetudinem regni: sed amercietur,

velut

velut hactenus consuetum est, & tenens dãpna sua recuperet versus eũ.

¶ Distres. 4. Cap. 4.

¶ Nullus de cetero faciat ducere districtiones, quas fecerit, extra comitatum in quo capte fuerint. Et si vicinus hoc fecerit super vicinum suum, et per voluntatem suam, et sine iudicio, puniatur per redemptionem ut supra, veluti de re |facta| contra pacem. Verumtamen si dominus hoc super tenentem suum facere præsumpserit, castigetur p grauem misericordiam. Districtiones insup sint rationabiles, et non nimis graues. Et qui districtiones fecerint irrationabiles, et indebitas, grauiter amerciẽtur propter excessum districtionũ ipsarum. |Vide statutũ anno. 1. & 2. P. & M. cap. 13.

¶ Confirmation. 1. cap. 5.

¶ Magna charta in singulis suis articulis teneatur, tam in his quæ ad regem pertinent, quam quæ ad alios, et hoc coram iustic̃ itinerantibus in suis itineribus, & vic̃ ī com̃ suis, cum opus fuerit, demandetur, et breuia versus eos qui contrauenerint gratis cõcedantur coram rege, vel coram iustic. de banco, vel coram iustic. itinerantibus cum in partes illas venerint. Similiter Charta de foresta in singulis suis articulis teneatur, et contrauenientes per dñm regem cum conuicti fuerint grauiter puniãt modo supradc̃.

¶ VVardes. 6. cap. 6.

¶ De his autem qui primogenitos & hæredes suos infra etatem existentes scoffare

solent

solent de hereditate sua, vt per hoc amitteret dñi feodorum custodias suas. Prouisum est concordatum et concessū, quod occasione hu-iusmodi |sals| feoffamenti, nullus capitalis dominus amittat custodiam suam. De his insuper qui de terris suis, quas tradere voluerint ad terminū annorum, vt per hoc domini feodorum amittāt custodias suas, falsa fingunt feoffamēta cōtinētia, qđ eis satisfactū est de summa seruitij in illis contenti vsq; ad terminum aliquem: ita quod si ad dictum terminum soluere teneantur huiusmodi feoffati summam aliquam ad valorem terrarum illarum, vel in multo excedentem, vt sic post terminum illum terra eorum reuertatur ad ipsos, vel ad hered̄ suos, eo quod nemo eam pro tanto tenere curaret. Prouisum est, concordatum et concessū, vt per huiusmodi fraudem nullus capitalis dñs amittat custodiam suam: Ueruntamen non licebit eis huiusmodi feoffatos sine iudicio dissaisire: sed habeant de huiusmodi custodia sibi reddenda, p̄ testes in chartis de huiusmodi feoffamēto contentos, vna cum alijs liberis & legal' hominibus de patria, et per quantitatem & valorem tenī, p̄ quantitatem summe, que inde reddi debeant post terminum |predictum| attingatur vtrum huiusmodi feoffamenta bona fide facta sint, an in fraud', ad auferendū capital' dñis feodorum custodiam suam. Si vero capital' domini per iudicium curie in huiusmodi casibus recuperauerint custodiā suam, salua sit ruhilomin' huiusmodi feoffatis

actio sua, quod qd̃ terminum, seu ad feodū recuperand̃, quam inde habuerint cum heredes ad legitimam etatem peruenerint. Et si aliqui capitales domini feoffatos aliquos malitiose implacitauerint, fingẽtes casum illū, maxime vbi feoffamenta legitime & bona fide facta fuerint, tunc adiudicentur feoffatis dõna sua, & misę sue, quas fecerint occasione p̃dicti placiti, et ipsi actores p̃ misam grauiter puniantur.

¶ Wardes. 7. cap. 7.

¶ In placito vero communi de custodijs, si ad magnam districtionem nõ venerint defoꝛciatoꝛes, tunc bis, vel ter iteretur bꝛeue p̃dictū ad terminos, quibus fieri poterit, infra medietatẽ anni sequent̃, ita q̃ singulis vicibus legatur bꝛeue in pleno coñ, ꝓ illi al'bi| ꝓius inuẽtus fuerit defoꝛciatoꝛ. Et ibi publice denunciet̃, vt veniat ad diem sibi ꝓfixū Quod si ipse extunc se subtraxerit, ita qõ infra medietatem anni p̃dicti responsuꝝ non venerit, nec vic̃ eum inuenire possit, p̃ quod coꝛpus suum habere non possit coꝛam iustic̃, ad respondendū scõm legem & cons. regni, tũc tanq̃ rebellis, & se iusticiarij non permittens amittat seisinam hmuſmodi custodie, salus sibi alias actione sua, si foꝛte ius habeat ad eandem. In casibus aut̃ vbi custodie pertinẽt ad custodes heredū infra etatẽ existentiū | versus custodes illius | petatus custodiem que accidit heredi illius | tanquam pertinenꝝ ad coꝛum hereditates, nõ amittãt hmuſmodi heredes infra etatem existentes hereditatẽ

suam

ſuam per negligentiam, vel rebellionē ſuorū cuſtodi, ſicut in caſu prędicto, ſed currat ſicut communis eodem modo quo prius currere conſueuit.

¶ Rediſſeiſin. 2. cap. 8.

¶ Illi autē qui prō iterata diſſeiſina capti fuerint, & detenti, non deliberentur ſine ſpeciali prędicto domini regis, et hoc per finem cū dño rege inde faciendō prō huiuſmodi trāſgr̄ ſua. Et ſi compertum fuerit quod vic̄ aliter eos deliberauerit, prōpter hoc grauiter amercietur, et nihilominus illi qui per vicecomitem, ſine prędicto domini regis, ſic deliberantur, prō ſua tranſgreſſione grauiter puniantur. | Merton. capitul. 3. Weſtm. 2. capitulo. 16.

¶ Suite. 1. cap. 9.

¶ De ſectis vero faciendis ad curiā magnatum, vel ad curiam aliorum dominiorum ipſarum cur̄, de cetero ſic obſeruandum eſt, quod nullus qui per chartam feoffatus eſt, diſtringat̄ de cetero ad huiuſmodi ſectam faciendam ad curiam domini ſui niſi per formā | feoffamenti ſui | ſpecialiter teneatur ad ſectā illam faciendō. His autem exceptis quorum anteceſſores, vel ipſimet, huiuſmodi ſectam facere conſueuerunt ante primam tranſfretationem prędicti domini regis H. in Britānia a tempore cuius tranſfretationis elapſi ſunt xxxi. anni, & medietas vnius anni | ad tēpus | quo huiuſmodi conſtitutionis fuerunt ſtatute. Similiter nullus feoffatus, a tempore cōquieſtus | ſine charta | vel aliquo alio antiquo

feoffamento distringatur ad huiusmodi sectũ faciendũ, nisi ipsimet, vel antecessores sui, eam facere consueuerunt ante primam translationem predictam. Qui autem per cartã pro certo seruicio, veluti pro libero seruitio tot solidorum annuatim pro omni seruitio soluendo feoffati sunt ad huiusmodi sectam, vel ad aliud, contra formam feoffamenti sui, de cetero non teneantur. Et si hereditas aliqua, de qua tantum vnica secta debeatur, ad plures heredes participes eiusdẽ hereditatis deuoluat, ille vero qui habet entiam partem hereditatis illius, vnicam facit sectam pro se et participibus suis, & alij participes sui, p portione sua, contribuant ad sectam illam faciendã. Et si plures feoffati fuerint de hereditate aliqua, de qua tamen vnica secta debeatur, dominus illius feodi vnicam sectam inde habeat, nec possit de predicta hereditate nisi vnicã sectam exigere, sicut prius inde fieri consueuit. Et si feoffati illi warrantum, vel medium non habeant, qui [inde] eos acquietare debeat, tũc omnes illi feoffati, pro portione sua, contribuant [p portione sua] ad sectam illam pro eis faciendã. Si autẽ contingat, quod domini cũ tenentes suos, contra hanc constitutionẽ, pro huiusmodi secta distringãt, tunc ad queremoniam tenentium illorum attachientur eorum domini, quod ad curiam regis veniant ad vltimum diem inde respons[ur]ũ, & vnicum inde habeant essonium, si fuerint in regno, & incontinent deliberentur conquerẽti querela sua, sue alie destrictiones hac occasione facte, & deliberatis

rate remanean̄t, donec placitum inde int̄ eos terminetur. Et si domini curiarū, q̄ huiusmodi districtiones fecerint, ad die̅, ad quem attachiati fuerint, nō venerint, vel diem, per essonniū sibi datum, non obseruauerint, tunc mandetur vic̄ qō eos ad alium diem venire faciat, ad quem diem si non venerint, tūc mādetur vic. quod distringat eos per omnia catalla, que habēt in balliua sua, ita quod vic. respondeat dño regi de exit̄ dicte hereō, et qō habeat corpora eorū ad cert̄ diem sibi p̄fugiendum coram Justic. Ita quod si ad die̅ illum non venerint, eat pars cōgrens inde sine die, & aueria sua, sine alie districtiones hac occasione facte, deliberata remanean̄t, donec ipsi dñi sectā illā recuperauerint p̄ consideratione̅ curie regis, & cessent interim huiusmodi districtiones, saluo dñis cui̅ int̄ sua de sectis illis recuperand̄ in forma iuris, si inde loqui voluerint. Et cū domini curiarū inde venerint respondituri, conquerentibus de huiusmodi districtionibus, et sup̄ hoc cōuenerit, tūc per cons. curie dñi regis recuperet hertus eos cōgrentes dāpna sua que sustinuerint occasione districtionis p̄d̄. Similiter autē modo si tenentes, post hanc constitutione̅, subtrahant dominis |feodorū| sectas quas facere |debeant| et quas ante tēpus p̄d̄ct̄ transfretationis, & hactenus facere cōsueuerunt, tunc per eandē iusticiam & celeritatē quo ad dies p̄fugiendi, & districtiones adiudicandi, consequantur dñi curiarū iusticiam de sectis illis p̄quirendis, vna cū dam-

nis suis, quemadmodum tenentes dãna sua recuperarent. Et hoc lex de damnis recuperandõ, intelligatur de subtractionib⁹ sibi factis, et non de subtractionibus factis p̃decessoribus suis. Mercantamẽ dñi cur̃ vers⁹ tenentes suos sectam̃ ꝺ huiusmodi sectis recuperare non poterunt per defaltam, sicut p̃i⁹ fieri consueuit. De sectis autẽ, que ante tempus supradictum subtracte fuerũt, curet lex communis, sicut p̃ius currere consueuit.

¶ County et Tourne 2. cap. 10.

¶ De tournis vic̃ p̃ouisum est, quod necesse nõ habeant ibi venire archiepiscopi, ep̃i, abbates, p̃iores, comites, barones, nec aliq̃ viri religiosi, seu mulieres, nisi eorum p̃sentia ob aliquam causam specialiter exigatur, sed teneatur turnus, sicut tẽporibus p̃decessorum dñi regis teneri consueuit. Et qui in ꝺiuersis hundꝺ habeant tñta nõ habeant necesse ad huiusmodi turnos venire, nisi in balliuis ubi fuerunt cõuersantes. Et teneant turnũ secundum formam magne charte, et sicut temporibus regum. Hic et Johannis teneri consueuerunt. Vide M. cap. 35.

¶ Beaupleder. 1. cap. 11.

¶ P̃ouisum est etiam, q̃ nec in itinere iustic̃, nec in com̃, in hundꝺ, nec in cur̃ baron de cetero capiant fines ab aliquibus p̃ pulchre placitando, neq; p̃ eo q̃ nõ occasionẽtur. Et sciendũ est, q̃ per istam constitutionẽ non tollunt fines certi, seu p̃lationes ar-

arrentate a tempore quo dominus rex prim̃ transfretauit in Britanniam vsq; nunc.

¶ Dies in banke. 3. cap. 12.

¶ In placito vero dotis, quod dicit vnde nihil habet, dentur de cetero quatuor dies p̃ annum ad minus, & plures si commode fieri poterit, ita q̃ habeãt quinq; vel sex dies ad minus per annum. In assisis [antẽ] vltime p̃sentationis, et in placito quare impedit de ecclesijs vacantibus, denẽ dies de q̃ndena in q̃ndenam vel de tribus septimanis in tres septimanas, prout locus fuerit propinquus, vel remotus.

¶ Quare impedit. 1.

¶ Et in placito quare impedit si ad primũ diem ad quem summonitus fuerit, non venerit nec essoin̄ miserit impeditor, tũc attachiet ad aliũ diẽ, quo die si nõ venerit, nec essoin̄ miserit distringat̃ p̃ magnã districtionem fupti9 datã. Et si tũc nõ venerit, p̃ ei9 defaltã scribat̃ ep̃o illi9 loci q̃ reclamatio impeditoris illa vice cõtra eum non obstet, salvo impeditori alias iur̃ suo, cum inde loqui voluerit. Eadem lex de attachiamentis faciendis, in õmibus placitis, vbi attachiament̃ fiat, de cetero (quo ad districtiones faciend̃) firmit̃ obseruet̃: ita tamẽ q̃ secund̃ attachiament̃ fiat p̃ meliores pleg. & post mod̃ vltima districtio. [vide art̃ sup̃ cartas ca. 15.

¶ Essoine. 1. cap. 13.

¶ Et sciend̃ est [quod] post̃q̃ aliquis posuerit se in inquisitionem aliquam, q̃ie emersit, vel emergere poterit in huiusmodi

secundus, non habebit nisi vnicam essoin, vel vnicam defaultam, ita quod si ad diem sibi datum per essonium suum non venerit, aut secundo die defaultam fecerit, tūc inquisitio illa per eius defaultam capiatur, et secundū inquisitionem illam ad iudiciū procedatur. Si vero inquisitio illa capt fuerit ī cōm coram vic vel coron, ad iustic. domini regis ad cert diē est remittend. Et si pars rea nō venerit ad diē illum, tunc propter defaultam ipsius, assignet ē alius dies, secundū discretionem iustic, et mandet vic, quod ad diem illum faciat eū venire ad audiendū iudiciū suum (si velit) secundū inquisitionem illam. Ad quem diem si non venerit, propter defaltam suam procedatur ad iudicium. Eodem modo fiat, si non veniat ad diem sibi dat per essonium suum.

¶ Iurours. I. Cap. 14.

¶ De chartis vero exemptionis, ē libertatis ne ponāt impetrantes in assisis, juratis vel recognitionibus aliquibus, promissū est, quod si adeo necessarium sit eorum iuramentum, qđ sine eis iustitia exhiberi nō poterit (veluti in magnis assisis, et in perābulationibus, ē in cartis vel scriptis commenticiis, vbi fuerunt testes nominati, aut in attinctis, vel aliis casibus cōsimilibus,) iurat cogant, salua sibi alias libertate, ē exemptione sua predicta.

¶ Distres. 5. Cap. 15.

¶ Nullis de cetet licerat, ex quacūq causa districtiones facere extra feodum suum, nec

in

in via regia, aut in communi strata, nisi dño regi, et ministris suis, speciale authoritatem ad hoc habentibus |W.1.ca.16.|

¶ Mortdauncester. 1. Cap. 16.

¶ Si heres aliquis post mortē antecessoris sui infra etatē extiterit, et dominꝰ suus custodiam terrarum, et ten̄ suorū habuerit, si dominus ille dicto heredi, cū ad legittimā etatem peruenerit, terram suam sine placito reddere noluerit, heres ille terram suam per assisam mortis antecessoris recuperabit, una cum dāpnis suis, que sustinuerit ꝓpter detentionem illam, a tēpore quo fuit legittime etatis. ¶ Et si heres aliquis tēpore mortis antecessoris sui plene etatis fuerit, et ille heres apparens, et ꝓo herede cognitus & inuentꝰ sit in hereditate illa, capitalis dominus eum non eiecit nec aliquid ibi capiat, vel amouerat, sed tamen inde simplicem seisinā habeat ꝓo recognitione domini sui, vt ꝓo domino cognoscat. ¶ Et si capitꝭ dominus hmodi heredē extra seisinam maliciose teneat, ꝓpter quod heres mortis antecessoris, vel consanguinitatis oporteat ipsum impetrare, tunc dampna sua recuperet sicut in assisa nō. dict. De hereditatibus autem, que de domino rege ten̄ in capite, sic obseruandū est, vt dominꝰ rex ꝓximam inde habeat seisinam, sicut ꝓius inde habere consueuit. Nec heres, nec aliqs alius in hereditatem illam se intrudat, ꝓiꝰ quam illam de manibus domini regis recipiat, ꝓout hmodi hereditas de manibꝰ ipsius & antecessorū suorū recepi cōsueuerit tem-

temporibus elapsis. Et hoc intelligatur de terris et feodis, q̄ ratione seruicij militaris vel seriantie, siue iuris patronatus in manibus domini regis esse consueuerunt. ¶ Vide Prerog. cap. 3 & Glanuill. l. 7. ca. 9. fo. 4.

¶ Wardes. 8. cap. 17.

¶ Prouisum est insuper, quod si terra, que tenet̄ in locagio, sit in custodia parent̄ hered̄ eo quod heres infra etat̄ extitet̄, custod̄ illi vastum facere non possint, nec venditionem nec aliquam destructionem d̄ hereditate illa, sed saluo eam custodiant ad op⁹ dicti hered̄, ita quod cum ad legitimam etatem peruenerit, sibi r̄nideant de exit̄ dicti hereditatis, per legalem computation̄, saluis ipsis custodibus rationabilibus misis suis. Nec etiam possunt dicti custodes maritagium dicti heredis dare vel vendere, nisi ad commod̄ dicti heredis, sed parēt̄s dicti hered̄ ꝓpinquiores, qui huiusmodi custod̄ habuerint, a toto tempore illo a quo breuia nō concedunt̄ implacitandi, huiusmodi custodias habeant ad commodum heredum vt predictum est, sine vasto, vel exilio, vel destructione faciendi.

¶ Amerceement. 1. cap. 18.

¶ Nullus escactor, vel inquisitor, aut iustic̄ ad assisas aliquas specialiter capiend̄ assign̄, vel ad querelas aliquas audiend̄ & terminand̄, de cetero habeant ptātem aliquam amerciandi pro defalta communis summonitionis, nisi capit̄ iustic̄, vel iustic̄ itinerantes in itineribus suis.

¶ Essoine

¶ Essoine. 2. Cap. 19.

¶ De essonijs autem prouisum est, qõ in coñ, hundredõ, aut in curia baroñ, vel alijs cuĩ nullus habeat necesse turare pro essonio suo warrãtizandõ] vide Glanuill. li. 1. ca. 12. fol. 4.

¶ Faux iudgement, 1. Cap. 20.

¶ Nullus de cetero (excepto dño rege) teneat placitum in curia sua de falso iudicio facto in cuĩ teñ suorum, quia huiusmodi placita specialiter spectant ad coronam, ẽ dignitatem domini regis.

¶ Repleuin, 1. Cap. 21.

¶ Prouisum est etiam quod si aueria alicuius capiantur, et iniuste detineantur, vĩ post quercmoniã inde sibi factã, ea sine impedimento vel contradictione eius qui dicta aueria ceperit deliberare possit, si extra libertates capta fuer. Et si infra libertates capta fuerint iñodi aueria, ẽ ballini libertatis ea deliberare nolucrint, tũc vĩ ꝑ defectu ipsorum ballinorum ea faciat deliberari.

¶ Freeholde. 1. cap. 22.

¶ Nullꝰ de cetero possit distringere libere tenẽtes suos ad rñdendõ de libero teñto suo nec de aliqbus ad liberũ teñ suũ spectantibus, nec turare faciat libere tenẽtes suos cõtra voluntatẽ suã, quia hoc nullꝰ facere potest, sine ꝑcepto domini regis.

¶ Accompt. 1. cap. 23.

¶ Prouisum est etiam quod si ballini, ẽ compñ suum dominis suis reddere tenent se subtraxerint, et terras vel tenementa

non habuerint, per q̄ distringi possint, tuns per eorum corpora attachient, ita q̄ vic̄ in cuius ballliua inuentū, eos venire faciat ad compū suum reddendū.

¶ Wast. 3. Cap. 23.

¶ Item firmarij tempore firmæ suarum vastum, venditionem, vel exilium nō facient de domibus, boscis, vel hominibus, nec de aliquibus ad tēn q̄ ad firmam habent spectāt nisi specialem inde habuerint concessionē p̄ scriptum cōuentionis mētionem faciens q̄ hoc facere possunt. Quod si fecerint, & super hoc conuincantur, dampna plena restituāt, & p̄ iniam graviter puniantur.

¶ Iustice in Eire. 1. Cap. 24.

¶ Iusticiarij itinerantes de cetero non amercient villatas in itinere suo, pro eo quod singuli xij. annorū non venerint coram vic̄ et coroñ, ad inquisitiones de roberijs, incendijs domorum, vel alijs ad coronam spectātibus faciendū, dū tñ de villatis illis veniant sufficientes, p̄ quos inquisitiones huiusmodi plene fieri p̄ñt, exceptis inquisitionib⁹ d̄ morte hominis faciendis, vbi omnes xij. annorum venire debent, nisi rationabilem causam habeant absentie sue.

¶ Murder. 1. Cap. 25.

¶ Murdrum de cetero non adiudicetur coram iustic̄, vbi inuentum tñmodo adiudicatum erit, sed locum habeat murdrū de interfectis per feloniam tantum, et non aliter.

¶ Voucher. 1. Cap. 26.

¶ Prouisum est quod nullus, qui coram

Iustic̄

Iustic. itinerantibus vocatur ad warrant in placito terre, vel tesi, amerciatur de cetero, p eo quod presens non fuerit quando vocatur ad warrantum (excepto primo die aduentus iusticiar ipsorum) sed si warrantus ille fuerit infra com, tunc injungatur vic. quod ipsum infra tercium diem, vel quartum (secundu locorum distantiam) faciat venire, sicut in itinere iustic. fieri consuevit. Et si extra comit maneat, tunc rationabilem habeat summonitionem p̄ diem ad minus, secundum discretionem iustic. & legem cōmunem.

¶ Mainprise and Baile. I. cap. 27.

¶ Si clericus aliquis pro crimine aliquo vel recto quod ad coronam pertineat, arestatus fuerit, et postmodum per preceptum domini regis in ballium traditus fuerit vel replegiatus extiterit, ita quod hij quibus traditus fuerit in ballium, cum habeant coram iustic. non amercientur de cetero illi quibus tradit fuerit in ballium, nec alij pleg. sui, si corpus suum habeant coram iustic. licet coram eis propter priuilegium clericale respondere noluerit, vel non potuerit propter ordinarios suos.

¶ Monasteries &c. I. cap. 28.

¶ Prouisum est quod si depredationes, vel rapini aliqui fiant abbatibus, prioribus, vel alijs prelatis ecclesiasticis, & ipsi ius suum de huiusmodi depredationibus prosequētes morte preueniant anteqū iudicium inde fuerint assecuti, successores eorum habeant actiones ad bona ecclesie sue de manibus huiusmodi

mod

modi transgr repet̃ō. Similem inſuper habeant actionem ſucc̃ de his que domui ſue et eccleſie/recēt/ ante obitum pdecceſſoꝝ ſuorum per huiuſmodi violentiam fuerunt ſubtracta, licet pdicti pdeceſſores ſui tus ſuū pſecuti non fuerint in vita ſua. Si autem in terris, et tenementis huiuſmodi religioſorum, de quibus eoꝝm prelati obierint ſciliꝫ vt de iure eccleſie ſue, aliqui ſe intrudant tēpore vacationis, ſucceſſores ſui br̃e habeant de ſeiſina ſua recuperandō, et adiudicentur eis damna ſua, ſicut in noua diſſeiſina adiudicari conſuevit.

¶ Entre of writtes. I. cap. 29.

¶ Pꝛouiſum eſt etiam, quod ſi alienationes ille, de quibus bꝛeue de ingreſſu dari cōſuevit, per tot gradus fiant, per quot bꝛeue illud in forma pꝛius vſitata fieri non poſſit, habeant conquerentes bꝛeue ad recuperandū ſeiſinam ſuam, ſine mentione graduum, ad cuiuſcunque manus per huiuſmodi alienationes, res illa deuenerit, per bꝛeue oꝛiginale, & per/commune/conſilium domini regis inde pꝛouidendum &c.

VVestm̃ primer edit añ. 3. Edwardi, I.

CEux sont les establiſhmentes le roy Edward ſitz le roy h. faits a Weſtm̃, a ſon p̃mer parliamẽt general apres ſon coronement, le demaine de la cluſe de Paſche lan de ſon raigne 3. p̃ ſon coũſel, & par laſſentim̃ts des archeueſqz, eueſqz, abbes, p̃iours, coſites, barõs, & iour la cõmunaltie de la tre illõqz ſomons. Pur ceo q̃ nre ſeigniour le Roy ad graũ voluntẽ & deſire del eſtate de ſõ realm̃ redreſſer en les choſes ou meſt eſt damendem̃t, & ceo pur le comen profite de ſaint egliſe, & de |ſõ| realm̃, & pur ceo q̃ leſtate de ſõ realm̃ & de ſaint eglſ ad eſte malemẽt garde, & les p̃lates & religious de la tre en multz des maners grieues, & le peo ple autrement trete q̃ eſtre dunſt, et la peas meins garde, & les leis meins vſes, & les miſfeſants meins punis, q̃ eſtre deuſſẽt, p̃ quoy les gẽtz de la tẽ doubteront meins a meſfaire, eſp ad le roy ordeigne & eſtablie, les choſes ſouthſcriptes, les queux il entend deſtre p̃fitables et couenables a tout la roialme.

¶ Monaſteries. I. cap. I.

¶ En p̃mes voet le roy, & cõmaunde q̃ la peas de ſaint eglſ, & de la terr̃, ſoit dñ garde & maintenu en toutes poinres, et que commen droiture ſoit fait a toutes, auxibien as poures come as riches, ſans regarde de nul-

lure

luy. Et pur ceo que les abbes, et les meaſõs de religion de la terre ont eſte ſurcharges et greues malement, per le bonne des graũdes gents et dauters, que lour biens ne ſuffiçiẽt a eux meſmes per que les religious ſont oyſ bates & impoueres, quilz ne poient eux meſmes ſuſteignñ, ne la |charge de| charity quels ſoilent faire. Purueu eſt qui nul ne beigne manger, harbarger, ne giſer a meaſon de religion dauter auowion, qz de la laine, al coſtages de la meaſon, ſil ne ſoit pyie et requis ſpecialment par le gouernour de la meaſon, auant quil beigne. Et que nul a ſes coſtages demeſne, ne ent̃, ne beignñ giſer encounter la voluñte ceux de la meaſõ. Et par cel eſtat nẽtendõ pas le roy, que grace de hoſpitality ſoit ſuſtreit as beloignes, ne que les auowes des meaſons les puiſſent par lour ſouẽt bemes ſurcharger ne deſtruer. Purueu eſt enſemẽt q̃ nul graũdõ ne petit, par colour de parent ou deſpecialty, ou par auter affiance, ne p auter enchelon, ne courge en auter parte, ne pelhe en auter biuer; ne beigne manger ne herberger, en meaſon, ne en manor ou en meaſon de p̃late, ne de home de religion, ne dauter enconter la volunte le ſeignior, ou le bailife de coſtages le ſeignior, ne a ſon coſt demeſne. Et ſil beigne, ou enter per le gree, ou ſans le gree le ſeignieur ou le bailife, nul ſaiſire, huis, ne feneſtre, ne nul maner de ferme ne faire ouerer, ne de pecher par ſoye ne p auter ne nul maner de vitaile ne auter choſe preigñ par colour de achate, ne autrement. Et que

nul

nul face barter blee ne prender blee, ne nul maner de vitaile, ne les autrs biẽs, de nulluy prelate, home de religion, nec de auter, ne de clerk, ne de lay, par colour de achate, ne autrement, encounter la bone volunte et le cõge de celuy, a que la chose serra, son de gardein, deines ville, marchandrie, ou de hors. Et que nul preign chiuals, bocis, chares, ne charrets, neles, ne bateux ne auters choles affaire, cariage, sans le bone volunte de celuy, a que les choles serront. Et si il par la bone volunte de celuy le face, lors mayntenant face son gree solonqz le couenãt fait entre eux. Et ceux que viendront encounter l'es establishments auantdits, et de ceo soient atteints, soient aiudges a la prison le roy, et dilonques soient rentes, et punis solonques la quantitie et le maner du trespas, et solonque ceo que la roy en sa court veiẽ que bien soit. Et fait assauer que si ceux, a que le trãs suit fait, doulent suer les damages, que ils auẽ receiuz, lour serra agardẽ et restore au double. Et ceux que le trespaz auront fait soiẽt enfement punis en le maner auãdit. Et si nul ne voile suer, eit le roy la suite come de chose fait encounter son defence, et encounter sa peas. Et le roy fra enquire de an en an, si cõe il quidra que bien soit, queux gents eient tiel trespas fait. Et ceux queux serront endites p ceux enquests, serront attaches et dist reigñ p la grañde distresse de vener a certayne tour, que contreigne le space dune mois en la court del roy ou la ou luy plerr̃. Et si ceux ne veigñ

a cel iour ils ſerrount auterfoits de recheſſe diſtreigñ per meſme diſtr̃, de bener a vn autr iour, que conteigñ le ſpace de. vi. ſemaygnes. Et ſi ceux adonques ne veignont, ſoient a-iudges come attaintes, et rendent le double (per le ſuit del roy) a ceux queux le dañ auerront reſceux, et ſoyent greuement reintes ſolonque le maner de treſpas. Et le roy def. et commaunde, q̃ nul deſoymes ne face mal, dañ, ne greuance a nul home de religion, perſon de ſaint eſgliſe, ne a auter p enchęſon de ceo que ils eiront deny loſtoir, ou le manger a nulluy, ou per enchęſon de ceo que aſcũ ſoy pleint en court de ceo q̃ ſoit greue des aſcũs choſes auantdits, et ſi aſcũ le face, & de ł ſoit attaint, ſoit encurrue la peine auantdit. Et eſt purueu q̃ ces pointes auantditz liẽt auſi bien nous coñeſtours, iuſtices de foreſts, et auters nous iuſtices, come auters gents. Et que les pointes auantdits ſoient mainteygnes, gardes, et tenus, cy defend̃ le roy ſur ſa greue forfaiture, q̃ nul prelate, abbe, priour, home de religion, ou bailliffe daſcun de eux, ou de auter ne reſceue nul home encountre la forme auantdit. Et que nul enuoy a meaſon, ne au maner de religion, ne de aut̃ hõe, gents, chiuals, ne chiẽs a ſoiorn̄ ne nul iceu reſceu. Et qui le fra, pur ceo que eſt encounter le defence et le commaundement le roy, il ſerra punis greuement. Auncor eſt purueu que nul ne herbergent ouc nully, ou ſoz plus que ſinque ou. vi. chiuals, ne que ils ne greuent la gent de religion, ne auters per ſoun

ſouent

souent venire, ou gier a lour measons; ne a lour manors.

¶ Clergy I. cap. 2.

¶ Purueu est ensement que quant clarke est prise pur rette de felony, et il soit demaūde par ordinary, il luy soyt ieuer, solonque le priuiledge de saint eglise; en tiel paril come ils appent, solonque la custome auant ces heures vse. Et le roy amoneſt les prelates e cuer enioint en la foy q̄ ils luy doter̄, e pur la cōmon profit de la peace de la ter̄, q̄ ceux queux sont endictes de tiel rette par solempn̄ enqueſt des prebes homes fait en la court le roy, en nul maū ne les deliuer̄et sās due purgation, issint q̄ le roy neit mister de mit auter remedy.

¶ Escape. I. cap. 3.

¶ Purueu est ensement, que nul rien de-soyntes soit demaunde, ne prise, ne ieue par discount, ne par auter, pur eschape de larcen ou felon̄, iesqz a tant que leschape soit adiudge par Iustices errantes. Et que autrement le serra, cy rendra a celuy; ou a ceux que cel aueront pay, quant que il aue̅ pris e reseu et au roy au tant.

¶ Wreke, I. cap. 4.

¶ De wreke de mere est accord̄, que la ou home, chyen, ou chate eschap̄ viz hors de la nieſe, la nieſe, ou bateil', ou nul ryen, que la eins fuit, ne soit adiudge wreke, mes soit̄ les choſez sauez e gardez q̄ le vicount de vil̄ co-ros̄, ou al' et del bailif l'roy, e bailifs en les mais ceux de la vil', ou les choſes sōt troues

ffiant que si nul ſue les biens, & puis prouue
ffis ſoient, ou a ſon ſeigntour, viuen ſa gard
perils, dedens lan et le iour, ſans delay luy
ſoyent rendus, ſi non, remaigne au roy, & ſoi-
ent pryſes par le vic. & coroners, et baillees ſa
la ville par reſpoigñ deuãt iuſtices, de ſuyche
que appent au roy. Et la ou ſuyeke appents
auter que au roy, ſi le eit per meſme le mañ.
Et que autrement fra, & de ceo ſoit attaint,
ſoit agardé al pryſon, et rent al volunte le roy
& rendra les dañ enſement. Et ſi le bayliſe
le face, et ſoit diſauowé de ſon ſñr, et le ſñr ne
lottrie de ceo a luy, reſpoigñ le baillif, ſil eyt
de quoy, et ſil neit de quoy rendra le ſñr le
corps du baillife au roy.

¶ Election. 1. cap. 5.

¶ Et par ceo que elections doient eſtre
frankes, ſi defend le roy ſur la griefe forfai-
ture, que nul haute home ne autre, par poiar
des armes, ne par manalles, ne diſturbe de
faire franke election.

¶ Auerment. 3. cap. 6.

¶ Et que nul citie, borough, ne ville, ne
nul home, ſoit amercy ſans reaſonable eſche-
ſon, et ſolonque le quantitie de trſpas, ceſtaſſa-
uoir franke home ſaue ſon contenemẽt, mer-
chant ſaue ſa marchandiſe, & villein ſaue ſon
gainage, et ceo p lour piers.

¶ Purueiour. 2. cap. 7.

¶ Des pryſes des conſtables, ou chaſtle-
leins faits des autres que des gents de
ville ou la chaſtel ſont aſſiſe. Purueu eſt, que
nul cõſtable ne chaſtelain deſormes nul mañ
de pryſ

de pryse ne face dauter hom̃ que d̃ la ville ou
lon chastel est assise, et ceo soit pay, ou gree
fait deins xl. iours si ceo ne soit auncien pryse
dis au roye, ou a chastell, ou a seignioure de
chastell.

¶ Beaupleder. 2. Cap. 8.

¶ Et que nul fine soit pris pur beaupleð,
si come autrefoits fuit defendu en temps le
roy Henry pier le roy que ore est | Marleb̃
cap. 11.

¶ Robbery. 1. Cap. 9.

¶ Et pur ceo que la peas de la terre ad
este lesbiement garð auant ces heures, pur
declarer de bone suit fait sur les felonz, solðs
due mañ, & noisment per encheaso des fran-
chises ou l'z felonz sõt refocur: Purueu est,
q̃ touts communemẽt soient pryses, & appa-
railes, au commaundemẽt & a les sommons
des vic. et au crie de pais, de suer & arrester
les felon̄, quant mester serra, auxibien deins
franchises come dehors. Et ceux q̃ ceo ne
serront, et de ceo soient attraints, le roy pũ-
dra a eux greuemẽt. Et si r̃ default soit troue
en le fyn de la frẽchise, le roy se prendra a sa
r̃ franchise. Et si le def. soit troue en le bail-
life eit lesp̃ soreñ̃ dun an, et puis soit greue-
ment reint, et si nest de quoy, et lemprisõm̃t
ne 2. ans. Et si vic. coroner, ou auter baillife
de franchise, ou de hoz, per lour ou per lour
gn̄ per poies, ou per mal mañ daffirme le, cõ-
celer, consenter, ou pourent de conceil les fe-
lonies faites en lour baillies, ou autrement,
se teignont attacher, ou arrester les malfesãz

per la ou ils pue ou autrement se feignont de faire lour office, en nul maner de fauour des malfesans, & de ceo soient attemes, que ils eient lemprisonnement dune an, et puis soient greuemẽt reints a la volunte le roy, ils eient de quoy, sinon, eient lemprisonnement de vij. ans.

¶ Coroners 1. cap. 10.

¶ Et pur ceo q̃ petits gents meins sages soient eslues ore de nouel cõmunelm̃t al office de coroñ: et meilleur serroit q̃ proues homes, loials & sages se entremellent de tiel office: Purueu est, q̃ partout les countes soient eslues suffisantes hões coroners, des plus loials & plus sages chiualers, queux meins sachent, puissent, & voillent a cest office entendre, & qui loialmẽt attachent, & presentent les pleas de la corone. Et que les brief eient counter rolles ouec les coroners, auxibien des appell. come des enquestes, de attachements, ou des autres choses, q̃ a cest office appendent. Et que nul coroñ ries dõne pleign de nully pur faire son office, sur peine de le greue forfaiture le roy. 14. E. 1. stat Exonie.

Gladio & Attia. 1. cap. 11.

¶ Et pur ceo q̃ plusiours reints de mort de homme, & que sont culpable de m̃ la mort sont (per fauorables enquests, prises par tricont, & par brefe le roy q̃ est appell odio et atia) repleuis, tesques a la venue des iustic errants. Purueu est, que tiels enquests soyent desormes prises p̃ proues homes, & lues par

parlerement, dount les deux soient a meins chiualers q̄ per nul affinitie, touchent a les psonetz ne autrement ne soient suspectiouz. Glos. ca. 9. W. 2. ca. 29.

¶Felony. 4. Cap. 12.

¶Auruien est ensement, q̄ lez felōz clercz et queux sont appertement de male fame, et ne soy voilent mitt̄ en enquestes des felonies, q̄ homes met sur eux deuaunt iusticers a le suit le roy, soyent mises en la pzyson fort & dure, come ceux queux refusent estre al cōmen ley de la terre. Mes ceo nest mie a entend̄ pur psonerz q̄ sont pzises pur leger suspection.

¶Rape. 1. Cap. 13.

¶Et le roy defend̄, que nul ne rauise ne pzeigne a force damesel deins age, ne per son gree, ne saūs son gree, ne dame ne damesel de age, nault sem̄ maugre le souen. Et si nul le face, a le suit celuy que suera deins les xl. iourz le roy luy fra cōmen droiture. Et si nul cōmence la suit deins le xl. iourz, le roy suera, et ceux queux il trouera culpables, ils aueront la psonmēt de vj. ans, et puis serront reints a la volūte le roy, et sils neient dont estre reints, soient punis per plus longe pzisonment, solonque ceo que le trespas demaund̄.

¶Appels. 2. cap. 14.

¶Et pur ceo q̄ hōe ad vse en aleun payes de vtlager les gentz appels de commaūdement, force, ciō, ou de receipt̄, deins vn la terme q̄ home doit vtlager celuy q̄ est appel.

de fait: Purueu est & commaund̃ q̃ le roy, ne nuls ne soit vtlage pur appell' de coumaundement, force, aide, ou de receiptment, iesqs a tant que lappellee del fait soit attaint, issint q̃ vn̄ ñ ley soit de ceo q̃ tout la terr̃, mes celuy q̃ voet appeller, ne lessa pas pur ceo de attacher son appell', ou p̃cheiñ county vers ceux, auxibien com̃ vers les appelles du fait, mes lerrigēt de eux demurge tanque les apples ō fait soient attaints q̃ vtlagat̃ ou autrement.

¶ Mainprise. 2. Cap. 15.

¶ Et pur ceo q̃ viscounts et aukes, queux ount p̃ises & retenus en p̃ison gentz retez de felony |et| meint foits ount lesse q̃ repleuin les gentz, q̃ux ne sont my repleunsables et oūt detenus en p̃isō ceux q̃ux sont repleunsables, q̃ enchealō de gaigñ des vnz, & de greuer les autres, et pur ceo que auaūt ces heures ne suit my determiñ |certeinement| queux gents fuissent repleunsables, & queux non, forsq̃s ceux queux fuissent p̃ises pur mort de home, ou per cōmaundement le roy ou de les iustices, ou pur la forest. Purueu est, & q̃ le roy commaunde, que les p̃isoners queux sont auaūt vtlages, et ceux q̃ux eyent forfaite la terr̃, p̃uours, et ceux queux sont p̃ises ouc marer, & ceux queux oūt debrusé la p̃ison le roy, larons apiertment eserics & notories, et ceux que sont appelles des p̃uours, tanqs come les p̃uours sont en vie (sils ne soient de bone fame) & ceux q̃ux sōt p̃ises pur ascun felonyousment fait, ou pur faux

faux money, ou fauxer de ſeale le roy, ou excommẽge pris per priẽ ſeuerſ; ou pur appiert malueiſt ou pur treaſõ, q̃ touche le roy meſme, ne ſoient en nul maner repleuiſables per le commun baile, ne ſaũs bẽ. Mes ceux q̃ ſont endites de larceny per enq̃ſts des diſcõits, ou des baillifes pris de lour offices, ou pur leger ſuſpection, ou pur petit larceny, que nameint ouſter le value de xij. deniers, ſils ne ſoient rettez dauter larceny deuaũt ceſt heure, ou rettes de receptiñe des larons, ou des felons, ou de commaundemẽt, ou de la force, ou del aide de le felõ fait; ou rettes deuẽt treſpas, pur le q̃l vn ne doit prẽdre vie ne membre, ſi home appell̃ de meindre puis la mort le prouour, ſil ne ſoit appiert la-ſõ eſcrie, ſoit deſoumes leſſe per ſuffiſiant pleuin, deuant le vicont, dont le dit̃ voil̃ reſpondre, & ceo ſaũs riens doñ de ſoun bẽs pur la pleuin. Et ſi l'vic̃ ou aut̃ leſſent ꝑ pleuin bill, q̃ ne ſoit repleuiſable, ſi ceo ſoit vic̃, conſtable, ou aut̃ baillife de fee que eit garde de priſõs, & ꝺ ceo ſoit attaint, pardõ le fee & baille a toutes iours. Et ſi ſoit ſouth vic̃, cõſtable, ou bailf, ou celuy q̃ ad tiel fee pur garder les priſons, et eit ceo fait ſaiſir la boiſite ſon ſeignior, ou aut̃ baillife que ne ſoit ꝺ fee eit lempriſonemẽt de iij ans, & ſoit rent a le voluntie le roy. Et ſi vil̃ detein les priſoñs repleuiſables, puis q̃ le priſoñ eit offer ſuffiſãt ſuertie, il ſerõ en le greue mercy le roy. Et ſi ſyent ſour pur luy deliuerer, il rendra le double au priſoner, et enſement ſerra en le

greue

greue mercy le roy /de tenibras leuatis. 27. E. I. cap. 13.

¶ Distres. 6. Cap. 16.

¶ En droit de ceo q̃ aſcũ gẽts parnoũt, et prendre ſount les auers dez aukz, & lez chaſent hors del county ou lez aũs fuerent p̃ſes. Purueu eſt q̃ nul deſormes ne le face. Et ſi dl le face, ſoit greuem̃t reint ſelon ꝙ ceo q̃ eſt contenue en les eſtatutes de Marlebr̃ / ca. 4. / faits en tẽps le roy h̃. pier le roy q̃ ore eſt. Et p̃ ceſte le maſ ſoit fait d ceux, q̃ux parnont les auers a tort, & q̃ux font diſtres en auk lẽs, plus greuem̃t ſoient punis, ſi le maner d trelpas le demaũd. / Marlebridge I. cap. 15.

¶ Distres. 7. cap. 17.

¶ Purueu eſt enſement, q̃ ſi dl deſormes preigñ les auers des aukz, & lez face chaſ. en chaſtel, ou en forcelet, et illoq̃z de deins le cloſe ou chaſtel, ou d forcelet lez detegñ encount gage & pledge, pur que les auers ſerront ſolempnelm̃t dñez per diſ̃, ou p auter baill̃ le roy a la ſuit del pl̃, le diſ̃ ou le baillife p̃ſe ouc luy power de t̃ cõtie ou de la baill̃, et voile affaĩ de ceo repleuiſ̃ des aũs a celuy q̃ les auoit̃ priſe, ou a ſon ſ̃r, ou as auters des homes ſon ſeignior quiel̃z q̃ux ſõt trouues en le lieu, ou les auers fuerõt enchaſes. Et ſi home luy deforce adonq̃s de la deliuerance des auers, ou q̃l ne troue home pur le ſeigniour, ou pur celuy que les auers priſe q̃ reſpoign & face le deliuerance, apres ceo que le ſeignior, ou parnour, per diſ̃ ou p

baillife,

bailliſe, ſerra amoneſt de tait la deliuerance, ſi ſoit en pays, ou pres, ou la ou il purō per le patnour, ou per auters des fees couenablement eſtō garnie de faire la deliuer, ſil fuiſt hors de cel pais quant le pluſe fuit fait. & ne face adonqs maintenant les auers deliuer, q̄ le roy pur le trās et pur le deſpite, face abatre le chaſtel ou le forcelet laūs recouer, et touts les damages q̄ le pl. auerō reſceu d ſes auers, ou de ſon gaignage deſturbe, ou en auter manier puis le pluīt demaundō, des auers fait per le viē ou per le bailliſe, luy ſoiēt reſtores au doubl, de ſeignour, ou de celuy q̄ les auers auerō pluſe, ſil eit de quoy, & ſil n'eit de quoy, reſpongā le ſeignior, q̄l heure et en q̄l maner deliuerance ſoit fait apres ceo que le viſē ou le bailliſe ſerra venuz pur la deliuerance faire. Et fait allauour q̄ la ou le viſē deuer̄ faire ref del bruſe le roy au bailliſe, le ſeignior du chaſtel ou de forcelet, ou a auē auque retorn de bruſe le roy appent, ſi le bailliſe de cel franchiſe ne face le deliuerance, puis q̄ le viē auerō le retorn a luy fait, face le viē ſon office ſans delay, et ſur iauntirdit peūn. Et per ceſt le mait ſont fait la deliuerance per attachement de plevint fait ſauīz bruſe, & iuriſ la peine. Et ceo face a entendō per tout la ou le bruſe le roy court. Et ſi ceo ſoit en le marche de Gales, ou ailours, la ou le bruſe le roy ne court mie, le roy que eſt ſouerayn ſeignior ent fra droit a ceux q̄ux pleinō ſe voudront.

¶ Iuſtices,

¶ Iustices en eire. 2. Cap. 18.

¶ Pur ceo que la commen sune e amerciamẽt de tout le coũty en eyre des iustices pur faux iudgements, ou pur auter trespas, est assise p vic e barrettours des coũtiez maleuient, ilsint q̃ la sũme est meintfoitz ẽcrise, et les parcelz autermẽt assise, q̃ estre ne dussent, au dañ du people, et pluloures foitz sont payes as visconts e barrettours, q̃ ne point les acquitent. Purueu est, et doet le roy, q̃ de lozmes en eire des iustices, deuañt eux deuañt lour departiñ soit tiel sũme assise per sereñt de cheualers et des pbes hommes sur toutz iceux que eleoter deueront: e les iustices facent mater les parcelz en lour eschetes quils liuerent al eschequer, et non pas la sũme totale.

¶ Det al roy. 2. Cap. 19.

¶ En droit des vile ou autz q̃ur respoigñ per lour maines al eschequer, et queux ount rest de les dettes le roy vier le roy q̃ ore est, ou les dettes le roy nr sñ, auañt ces heures e queux ne ount my acquites de ceo les dettours al eschequer. Purueu est que le roy enuoiera bones gents per toutz les coũties a oyer touts iceux, q̃ur de ceo plein se voudront: e a termiñ ilsint in besoigñ, q̃ ceux q̃ purront mẽer q̃ls tient ilsint auañt paiez a tours iours sent serront quitez, le q̃l que les visconts ou auters serront mortes ou dues en certeine fourme q̃ lour ser̃ bailé. Et ceux q̃ ilsint nauc̃ fait, q̃ls soient en viez, serrons pris greuement. Et q̃ls soient mortz, lour

heirs

heires respoigñ, et soient charges de la dett.
Et commaundū le roy q̄ les viscounts, & les
autres auantdits de lomes loialment acqui-
tent les dettours a prochein accompt, puis q̄
ils auerent le det receu: et donqz soit le dett
rellosve al eschequer, illint q̄ iames ne veign̄
en summons. Et si le visc. autrement face, et
de ceo soit attaint, cy rendra al pl̄ le treble de
ceo quel auer de luy resceu, et soit rent a la
volunte le roy. Et vñ se gard̄ chescū baicont
quil eit tiel resceiuour, pur q̄ il voudra res-
pond̄: car le roy se prendra del tout as visc. et
a lour heires. Et si auter que respoigñ per
sa maine al eschequer le face: il rendra le tre-
ble al plaintife, et soit rent en mesme le mañ.
Et q̄ les viscounts facēt tailes a touts iceux
qui paieront le det le roy. Et q̄ la summons
de eschequer a touts les dettours, queux de-
maūder voudront la vewe, facent monstrer
sans denier les annuly, & ceo sans riens prēñ
de lour, et sans riens doñ, & q̄ ne le fra, le roy
se prendra a luy greuement.

Foxeſter, 18. cap. 20.

Purueu est enement de mussaiours en
parkes, & en viuers, que si vll de ceo soit at-
taint per le suite del plaintife soyent agardes
bones & hautes amendez, solonquez le mañ
de trespas, et eit la prisonment de trois ans,
et dillonqz soit rient a le volūte le roy sil ad
de quoy poit estre rient, et lors troua bone
suertie q̄ iames ne mussace. Et sil neit doñt
poit estre illint rient, apres la prisonment de
troys ans, troua mesme la suertie. Et sil ne
puille

puisse trouer la suerty forqz le roialme. Et si nul de ceo rette soit fugitife, et neit terre, ne tenement suffisant per quoy il poit estre sulsifie, si court come le roy aucra ceo trouue p bone inquest, soit demaundé de county en county. Et si ne veigñ soit vtlage. Pourueu est entierement & accorde, que si bie ne suit dedens ian & le iour pur le trespas fait, le roy auer le suite, et ceux q̃ il trouua de ceo rettes per bone enquest, serront punis per mesñ le maner en touts points sicome desuis est dit. Et si nul tiel misfesour soit attaint, quil eyt pris en ses parkes desles domestes, ou aut chose en le maner de roberie en venant; ou demurrant, ou en retournant, soit fait de luy common ley, q̃ affiert a celuy que est attaint de appt robbery & larceny, auxibien a la suit le roy come dauter.

¶ Wardes. 9. cap. 21.

¶ En droit des terres des heires deynes age, q̃ux sont en le gard le roie seignioz, pruueu est, que les gardeins les gardent, & sustteynent, sans destruction faq̃ en tout rien: et que de tiels manneris de gardes soit fayt en touts points solonqz ceo que est contenue en le graunde charter des franchises fait en temps le roy h. pier le roy que dze est | M. C. ca. 4. 5. & 6. | Et qui tiliue soit vle de loz=mes, & per mñ le maner soyent gardes les archeuesqz, euesques, abbes, esglises et dignities en tẽps de vacation. | Vide articuli sup cartas. cap. 18.

¶ Wardes

¶ Wardes. 10. Cap. 22.

¶ Des heires maries deines age, sans le gree de lour gardeins auant q̃ tis eient passes lage de .xiiij. ans, soit fait solonqz ceo que est contenue en le purueysance de Merton cap. 6. Et de ceux q̃ serront marries sans le gree de lour gardeines puis quels aueront passes lage de xiiij. ans, le gardein eit l'double value de son mariage, solonqz la tenure de mesme la purueyance, Mes ceo ceux q̃ aueront sustrete le mariage, rendent le droit value del mariage al gardeine pur le trespas, et ialemeins le roy eit les amendes solonqz mesme le purueiance de celuy que le aueñ sustrait. W. 2. cap. 35. Et des heires semals, puis q̃s aueront accomplis lage de xiiij. ans, et le seignour a q̃ le maryage appent celes ne voudra marier, mes pur conetise de la terre les voudra tenir dismarye. Puruen est que le seignour ne puit auer ne tener per encheason del mariage les terres a tyels heires semales ouster deux ans apres la terme des auãt ditz. xiiij. ans. Et si le seignieur deynes les deux ans ne les marie, dõques eiant eis action de retouerer lour heritage quitement sans ryen doñ pur le gard ou pur le mariage. Et si eis per malice, ou per malueies counseil ne se voullent pur lour chiefe seignours marier, ou eis ne soyent disperages, q̃ les seignours teignẽt la tre & la heritage iesqz al age del infant male, cestassauoir de xxi. ans et ouster, iesque ils eyent pris le value del mariage.

¶ Dette

¶ Dette. 1. cap. 23.

¶ Purueu est enlemẽt, q̃ en cite, burgh, vill, faire, ne en marche, ne soit nul home forefi, si soit de cest royalme, distreine pur det, dont il nest dettour ou pledge, et que le fra, serẽ greuoulement punie, et sans delay soite le distresse deliuer per les bailifes du lieu, ou per auters bayliyes le Roy, si mestier soyt.

¶ Assise 2. cap. 24.

¶ Purueu est enlemẽt q̃ nulle eschetour, vile, nauter bayliſe le roy per colour de son office sans especial garr̃ ou commaũdement ou certaine auctho̅itie que appent a son ofice, ne disseise nul home de son franke, ne de chose q̃ appent a son franke. Et si alcun le fait, soit a la volunte le disseisie, que le roy de son office le face amender a son pleint, ou q̃ il eit la common ley per vzicle de Nouel disseisin. Et celuy que serra de ceo attaint, rẽd les dam̃ a double a meisme le pl̃, et serẽ en le greuous mercy le roy.

¶ Champerie. 1. cap. 25.

¶ Nul minister le roy, ne mainteyne per luy ne per auter, les pleers, pols, ou besoignes queux sont en la court le roy; des terres, tenementes, ou des auters choses, pur auer part de ceo, ou auter profit per couenant fait. Et que le fra soit punie a la volunte le roy.

¶ Vide Champertie. 11. E. 1.

Extortion. 1. cap. 26.

¶ Et que nul vile. nauter minister le roy, ne preigne reward pur faire son office: mes

soient

loiēt paies de ceo quils garnont del roy. Et qui la fra rendra le double al pl', & serē punie a la volunte le roy.

¶ Extortion. 2. Cap. 27.

¶ Et que nul clerke de Justice, deschetour ou denquerour, nall' riens ne preigne pur liuerer chapiters, forpris soiement clerks des Justices errants en lour eyres, et ceo tiels. et nient plus de chescū wapentake, hūdred, ou ville, qui respoigne per xii. ou per vi. solōque ceo que aūcientment fuit vse. Et qui autrement le fra, rendra le trebie de ceo quel auera pris, et perdra le seruice son seignour p vn an.

Maintenance. 1. Cap. 28.

¶ Et que nul clerke le roy, ne des Justices reseeue desoymes presentment de esglise, dōt plee ou contek soit en la court le Roy, sans especial conge le roy, & ceo defendō le roy sur peine de perdre iesglise & son seruice. Et que nul clerke del Justice, ne de viscont, ne maintenie parties en querelz ne besoignes queux sont en la court le roy, ne fraude ne face pur comunen droiture delaier ne disturber. Et si vīl' le fait, il serē puny per la paine pcheinmēt amādit, ou p plus grieuous si le trespas le requiert.

Disceite. 1. Cap. 29.

¶ Purueu est ensement que si vīl' serieant counter, ou auter face vīl' manier de disceite, ou de collusion en la court le roy, ou conisent de faire la, ē disceite de la court, par engiñ la court ou la partie, & de ceo soit attaint, lors

puis seit la prisonm̃t dun an & vn iour, & ne soit oyè en la court le roy a cesse̅ par nulluy. Et si ceo soit auṫ q̃ cesse̅ p̃ mesme le maner eit la prisō dit an et dū iour a tout le meins Et si le trespaz demande greinder peine, soit a la volunt̃ le Roy.

¶ Extorcion. 3. cap. 29.

¶ Et pur ceo que multz des gents se pleignent des serieants, criours de fee, et les marshals des Justices en eyre, et | dautres Justices | quelz parnent a toute deniers de ceux queux recouerent seisine del terre, ou q̃ux gaignont lour quereles, et de fine leue et des iurrozs, villes, prisoners, & des autres attachies en pleis de la coron̄e, autrement que faire ne duellent, en mulctes des maners, et de ceo quel ad plus graūd̃ numbr̃ de ceux que estre ne duist, per que le peuple est malement greue le Roy defend̃, que celles choses ne soient de ceznes faitz. Et si vn serieant de fee le face, office soit prise en le maine le Roy. Et si marshals des Justices le facent, soient punis greuement a la volūt̃ le Roy. Et a toutz les pleintifs luine & lautre rendō le treble de ceo quilz auer pris en cel' maner.

¶ Tolle. 1. cap. 30.

¶ De ceux queux parnont outragious tolsez, enconter commen vsage du royalme est la ville merchandis. Purueu est q̃ si vn. fe face en la ville le roy mesme, que soit beale a fee farme, le roy prendra le fraunchise del marche en sa maine. Et si soit auter vill. et

ceo

ten soit fait per le seignioure de mesm̃ la ville le roy le fra per mesme le maner. Et si soyt fait per le bailise sans le commaundement le seignioure, il rendra al plaintise au tant pur le outrageous prise, come il auoit prise de luy, si il ust importe son tolne: & il auera prison del riiours. Des citisens, & des burges a que le roye ou son pere ad greant murage pur lour villes encloser, & que tiel murage parment quterment que lour est graunte, et de ceo soient attaintes. Purueu est quils pardent cel graunt de touez le temps q̃ serra a uener, et serront en le greuous mercy le Roy.

¶ Turneiors. 3. cap. 31.

¶ De ceux qui parment vitaill ou nul riens al oeps le roy a creance, ou a garnisõ du chastell ou ailleurs, et quant ils ont resceue le paiment al exchequer, ou en Garderobe, ou ailleurs, deteignont le paiment des creanceers, a graũd damage de eux, & en esclaũder du Roy. Purueu est de ceux queux ont terres ou tenementes, que maintenaunt soit ceo leue de lour terres ou de lour chateux, et paies as creanserz, oue les damages queux ilz aueront esue, & soiẽt treitis pur le trespaz et ils nejent terres ne tenementes, soient en le prison a la volunte le roy. De ceux q̃ prennont parte des dettes le roy, ou auters lowers permient des creansours le roy, pur faire le paiment de mesmes cels dettes. Purueu est quils rendent le double, et soient punys grieuement a la volunte le Roy. Et de ceux

queux parmont chiuals, ou charettes a faire le cariage le roy, pluus que mestier serront, & permont lo|wers pur|releller|les chiuals, ou les charettez. Purueu est q̄ si vil de la court la face, il serra grenement chastice p̄ les mareschalles, & si ceo soit fait hors de la court, |p̄ vn del court|ou per autr̄ que de la court, & il|ent|soit attaint il rendra le treble, & serr̄ e le p̄ison le roy p̄ vi. iours.

Countie & Tourne. 3. cap. 32.

Purueu est, que nul vic. ne suitt̄ barretours ne maintenours des parols en counties, ne seneschalles des graundes seigniours, ne des autres (que ne soit attourney sō seigniour) a|la|suit faire, ne render les iudgemēts des countes, ne p̄nonocer les iudgemēts |ou allent̄ de faire les Iusticementes| si ne soit especialment p̄ie & requise de toutes les suitours & les attournes des suitours, queux serront a la iourn̄. Et si nul le face, le roy le prendra grenousement a vic. & a luy.

Newes. 1. cap. 33.

Pur ceo qui plusours sōt souent trouez in counte controuours des coūtes, dont discord̄, ou maner de discorde ad este souent entre le roy & son people, ou|alc|us de|les hautes hemes de son roialme, defendu est pur le domage que ad este, & qui encore ent purra auenir̄, q̄ desormes nul̄ ne soit ey harde de dir̄ ne de counter nulles faux nouell̄ ou cōtrenour, dōt discord̄ ou maner de discord̄, ou dis claundr̄ puisse surdre entre le roy & sō people ou les hautes homes de sō roialme. Et qui

le

le fra soit pris, & detenus en prisõ iesques a tant que il eit troue en courte celuy dont la parolle serra moue. |2.R.2.ca.5.|

Arrestes.1. Cap.34.

¶ Des hautes homes, & de lour bailliffes & des auters (forpris les ministers le roy, as q̃ur especiall' auctoritie est doñ de c. faire) qui a le pleint des ascũs, ou per lour auctoritie demesne, attachent autres oue lour bñs trespas pallantes per lour poier, a respõder deuant eux des contractes, couenantes, ou de trñs faitz hors de lour poier, & lour iurisdiction, la ou ilz ne teignont riens de eux, ne deins la fraũchise ou lour poier est, en p̃iudic. du roy, & de sa corone, & a dam̃ du people Purueu est qui null' desormes ne le face. Et si aſc. le face, il rẽdra a celuy, qui p cel enchesson serr̃ attache, sõ dam̃ au double, & serr̃ en le grieue mercy le Roy.

Reasonable Ayde.1. Cap.35.

¶ Pur ceo que auant ceux heures ne fuit bnques reasonable aid̃ a faire leigne fitz chi vall' ne a leigne file marier, mise ẽ certeiñ, ne quant ceo deueroit estre prise, ne q̃l heure, p quoy les bns leuerent outragious aide, & pl̃ tost q̃ ne sembleit mestre, dont la people se sentit grieue: Purueu est qui desormes de see de chiuall' entier solement soient dones xx.s & de xx.li. de terre tenus per socage xx.s. & de pluis, pluis, & de meis, meins, soloñ q̃ lafferñt Et qui nul ne puisse leuer tiel aide a faiẽ sõ fitz chiualler, tãque qui son fits soit del age de xb. ãs ne a sa file marier tãque qui el soit

del age de vij. ans. Et de ceo serra fait mencion en le brief le roy tourn̄ sur ceo quād hōe le voile demaunder. Et si aucign̄ que le pier, quant il aucra tiel eide leue de ses tenantes mozgage auant q̄ il eit sa file marie, les executours le pier soient tenus a la file, entant cōe le pier aucra resceu pur ceste aide. Et si les bīs le pier ne suffisent, son heir̄ soit de c̄ tenus a le file. ¶ Glanuile fo. 71.

¶ Assise. 3. cap. 36.

¶ Purueu est & accozd̄ ensemt, que si hom̄ soit attaint de disseisin, fait en temps le Roy h̄ ozd̄ est, ouesqz robbery, de ascun maner de chattel ou demouable, et soit trouue vers luy per recognisans de assise de nouel disseisine, le iudgemēt soit tiel, que le pl̄ recouera sa seisin & les dam̄, auxibien de chatel̄ & de mouabl̄ auantditz, come del soil̄. Et le disseisour soit reint, le quel que il soit present ou non, issint qz (si il soit presēt) pr̄imes soit agard̄ a la pr̄ison. Et per meisme le maner soit fait de disseisine fait a forz. et armes, tout ne face hom̄ robbery.

¶ Attaint. 1. cap. 37.

¶ Pur ceo que ascuns gents de la terre doutent meins faux serement faire, que faire ne duissent, per que mults des gentes sont disheritez, et perdent lour droit. Purueu est que le roy, de son office, deloynes doners attaintes sur les inquestes en pl̄ de terre, ou de franktenement, ou de chose que touche franktenement, quant il serra q̄ ne besoign̄ soit.

¶ Limi-

¶ Limitation, 2. Cap. 38.

¶ Et pur ceo que le temps est mult passe puis que les briefes de south nolmes fueret autertoits limittes. ¶ Purueu est q̄ en count countant de dissent en briefe de droit, nul ne sout si ose de count de la seisin son auncest de plus lōge seisin q̄ de temps le roy R. uncle le roy Henry, pier le roy q̄ ore est. Et que le briefe de nouel disseisin, & de purparty, q̄ est appell' nuper obijt, cient le time puis le primer passage le roy Henry, pier le roy q̄ ore est en Gascoigne, mes nemy auant. Et les briefes de mordaūc̄, de cosinage, de aiel, de entre, & briefe de neifte, cient le term̄ del coronement mesm̄ le roy Henry, & nemy auāt. Mes q̄ touts les briefes ore a per mesmes purchases, ou a purchaser ent̄ cy, & la | seall | Saint John en vn an, soit pledes du tēps q̄ auāt soulent estr̄ pledes.

¶ Voucher. 2. Cap. 39.

¶ Pur ceo que mults des gents sont delaies d̄ lour droit, p laurem̄t voucher a garranty. Purueu est q̄ en briefes de poss. tout adeptimes come en briefe de mordaūc. cosinage, del aiel, nuper obijt, de intrusiō, & autz briefes semblablez, per les q̄x terres ou tenements sont demandes q̄x deuolent dissendō, reuerter, remaindō, ou eschier per mordaunc. ou dauter, que si le tenant vouche a garrant, & le demaundant luy counterpleā, & voile auerrer per assise, ou per pais, ou en auter maner, si come le court le roy agarde, si le tenant ou son auncē. heire il est, tout le

pʒimer qui entra apʒes la moʒt celuy de qui
ſeiſin il demaunde, ſoit le auerremẽt del de-
maũdõ reſceu, ſi le tenant le voil atteinʒ, et
ſinon, ſoit bote ouſter a auter reſpõs, ſil neit
ſon garrãty en pʒeſent, qui luy voile garrã-
ter de ſon gree, & maintenant entrer en reſ-
pons, ſaue al demaũdant ſes exceptionz en-
counter luy, ſil voile voucher ouſter, come il
auoit auaũt, encounter le pʒimer tenant. De
rechiefe en toutz maners des bʒiefz dentre,
q̃ux ſont mentiõ des degrees, purueu eſt q̃
nul deſoʒmes vouche hoʒs õ la ligne. Et en
auters bʒiefes dentre, ou nul mention ẽ fuit
de degrees, les q̃ux bʒiefes ne ſont ſuſtenus,
foʒſqʒ la, ou les auantditz bʒiefz de degrees
ne poiẽt giſer ne lieu tenir, & en bẽ de dʒoit
Purueu eſt que ſi le tenant vouche a garrã-
tie, & le demaunõ le voile coũterpleõ, & ſoit
pʒiſt de auerrer per pais, que celuy qui eſt
vouche a garrant, ne nul de ſes auncelters
ne vnques auoient ſeiſin de la terre, ou del
teñ demaunõ, ne fee, ne ſeruice per la maine
le tenant, ou aſcun de ſes auncelters, puis
le temps celuy, de q̃ ſeiſin le demaũõ counte
teſques al temps q̃ le bʒiefe fuit purchaſe, &
plee moue, per q̃ il poit le tenant ou ſez aun-
celters aũ ſeiſie. Adonques ſoit lauerremẽt
del demaũõ reſceu, ſi le tenant le voil atten-
der, & ſinon, ſoit le tenant bote ouſter a ſes
reſpons, ſi neit ſon garrante en pʒeſent, qui
luy voile garranter de ſon gree, et mainte-
nant enter en reſpons, ſaue al demaunõ ſez
excepc̃ encounter luy, ſicome il auoit auaũt

encounter

encoũter le ꝑmer tenant. Et iauant dit exception eit lieu en bꝛe de mozt dañ̃, & en ſes autres bꝛiefes deuañt noſmes, auxibien cõe en bꝛiefes queux touchent dꝛoit. Et ſi le tenant per cas eit charter de garranty de aũ home |de ceo choſe,| q̃ ſoit obligie en nul des mañt ditz caſes a le garranty de ſõ eigñ degree, ſaue luy ſoit ſon recouer̃ per bꝛiefe de garr̃ de charter de le chauncell' le roy, quant il le voudꝛa purchaſer, mes q̃ le plee ne ſoit pur ceo delay.

¶ Battaile and graund Aſſiſe. 1. Cap. 40.

¶ De ſerementz dez champions, eſt illint purueu: ꝑur ceo q̃ rarement auient que le champion le demaundant ne ſoit periure en ceo quil iure que il, ou ſon pier vit la ſeiſin ſon ſeignioꝛ, ou de ſon auncẽſtour, & que ſõ pere luy commañd a faire la darrein q̃, q̃ deſoꝛmes ne ſoit le champion le demañdãt cõſtreint a ceo iurer, mes ſoit le ſereñt garde en touts ſez autres points.

¶ Eſſoine. 3. Cap. 41.

¶ ꝑur ceo que en bꝛiefe daſſiſe, dattaints, & de iuris vtrum, les iurroꝛz ſont ſouẽt trauerſ per eſſoines des tenãts: ꝑurueu eſt q̃ del heure q̃ le tenant vn foites apparuiſt en court iãmes ne puiſſe |le tenãt |ſe eſſoin, mes faiẽ ſon attourney a ſuer pur luy, ſil voill'. Et ſi nõ ſoit laſſiſe, ou le iure ꝑſe per ſõ default |W. 2. ca. 28.

¶ Eſſoine. 4. Cap. 42.

¶ ꝑur ceo q̃ les demañd ſont ſouent delaies de tout dꝛoit, pur ceo que ou ſont pluſ-

ſours

sours parceners tenantes, dont nul puit respoign̄ sauns aut, ou q̄l ad plusours tenāts ioyntement feoffes, ou nul ne sciet sō seuerall, & ceux tenātz souēt forchient p essoiñ, issint q̄ cheseun eit vn essoine. Purueu est desormes, que ceux tenaunts nient essoiñ forsque a vn tour, nient plus que vn sole tenāt naueroit, issint q̄ iammes ne puissent forcher, forsqz tantsolement auer vn essoine.

¶ Essoine. 5. Cap. 43.

¶ Pur ceo que multes des gentes se sont sauuemēt essoine de oustre mere, la ou ilz fuerent en Engleterre le tour de le summons: Purueu est desormes, que ceel essoiñ ne soit pas de tout allowe, si le demaundant le chalenge, & soit prist dauerrer quel fuit en Engleterre le iour q̄ le sūmons fuist fait, & inz. temaignes apres, mes soit aiourñ en ceste forme, que si le demaūdō sue a tiel iour auerrāt p pais, ou si com la court le roy agarde & soit attaint q̄ le tenant fuist deins le quaremeres | Dengleterre | le iour q̄ il fuist somōs, et trois temaignes apres, issint que il puit estre reasonablemēt garny de | la | sūmōz, sout le essoiñ torne en vn default, & ceo fait a entendō tantsolemēt deuaūt les Justices le roy.

¶ Estrentes. 1. Cap. 44.

¶ De delaies en touts manerz des briefez, & des attachementz est purueu, q̄ si le tenāt ou le defendant, apres le prim̄ attachement tesmoign̄, face default maintenāt soit le grād dist agardō. Et si bref ne respoign̄ sufficiētment au tour, soit greuousemēt amercy. Et si

sil mamund que il ad fait le execucõ en due maner, & les illues bailes as mainpnours, adõques soit mamde au vic. que il al auter iour face venir les illues deuãt iustices. Et si lattachee veigñ a cel iour a sauer̃ ses defauk, eit il ses illues. Et sil ne veigñ, eit le roy les issues. Et les Justices le roy les facent liuerer a la garderobe, et Justices del banke a Westm̃ les facent liuerer al eschequer, & inshces en cere, au vic. de celi county, ou ils pledent, auxbien de cel countie come des foreine countes, & de ceo soient charges en sõmons per rolles de Justices.

¶ Iustices of both benches. 1. cap. 45.

¶ Purueu est enscmẽt; & per le roy commaunde, que les Justices de banke le roy et Justices de banke a | westminster delaynes q̃ pledent les plees a terminer a vn iour, auaunt que rien soit arraine, ou commence des plees del iour ensuant forsqus q̃ iour essoigñ soient entres, iudges, et rendus, et per encheson de ceo nul home se affie, que il ne veigne au iour q̃ doñ luy est.

¶ Age. 1. cap. 46.

¶ Purueu est ensement, que si nul delaynes purchase brief de nouel disseisin, & celuy sur que le brief vient, come principal disseisor mourge auaunt que lassise soit passe, que le pr̃ eit son briefe. Dentre soundus sur disseisin sur le heire ou sur | les heires | les disseisors, de q̃l age que ils soient. En m̃ le naũ eit le heir̃, ou les heires le disseisie lour br̃es Dentre sur les disseisours | iour auncestr̃, ou

iour

lour heires, de quel age q̄lz soiēt. Et si paraduenture le disseisie mourge auant quel eyt son purchase fait, issint que pur les nonages des heires dun part ne dauter ne soit le brief abatus, ne le plee delaye, mes en quaunt qui lhom̄ poit sans ley offendō, soit haste pur la fresh suit apōs le disseisin. Et ē ceo le mañ soit T point gardō en dēt des ꝑlates, gētz de religion, & autres, as q̄ux terres & tenētz en nul maner puissent deuener apōz auk̄ mozt, le q̄l que ilz soient disseisies, ou disseisourz. Et si les parties en pledant discendont en enquest & lenquest passa encounter le heire deinz age & nosmement encounter le heire le disseisie, q̄ il ē ceo cas eit latteint de la grace le roy sās rien doner.

Procheine amy. I. cap. 47.

¶ Si gardein ou chiefe seignour enfeffe vl hom̄ de la terre qui est del heritage del ēfāt (qui est deins age & en sa gardō) a le disheritance del heire: Purueu est, que le heir eyt maintenant son recouere per brief de nouel disseisine vers son gardeiñ, & vers le tenāt, Et soit la seisine bail' per Iustices, si el soit recouek̄ al prochein amye lēfant, a qui le heritage ne purra my discendō, pur apprower al oeps lenfant, & a respondre dez issues al heir quant il viendra a son plein age. Et le gardē garde a tout la vie, la gardō de m̄ le chose recouek̄, & tout la rem̄ del heritage, q̄ tient ē nosme del heire. Et si auk̄ gardein q̄ chiefe seignour le face, garde le garde de tout cel chose /a cel foiz/ & soiten griefe paine ēuers le

le roy. Et ſi ienfãt ſoit eſloigne, ou diſturbe par le gardeine, ou per le ſcoſſee, ou per auter per q̃ il ne puiſſe ſa aſſiſe ſuer, ſiue pur luy vn de ſes ꝓchein amies qui voudra, & ſoit a ceo reſceu ſ W. 2. ca. 15.

¶ Dower 2. cap. 48.

En briefe de doſwer dõt dame tiens nad ne ſoit le briefe abatus per exception del tenãt pur ceo quel amera reſceu ſon doſwer de auter hõe auãt ſõ briefe purchaſe, ſi il ne puit mõſtre, qui el eit reſceu part de ſa doſwer de luy meſme, & en meſme la ville aient ſon briefe purchaſe.

Prærogatiua regis. cap. 49.

¶ Et pur ceo que le roy ad fait cel choſe al honour de dieu, & ſaint eſgliſe, & pur le cõmõ ꝓfite de peõple, & pur le aleageance de cels que ſont greues, il ne doit my qui auterfoitz puiſſẽt turner a ꝓiudice de luy, ne de ſa corone, mes que les dũts, qui a luy appteigñ luy ſoient ſaues en toutz pointes.

Aſſiſe. 4. cap. 50.

¶ Et pur ceo que graimõ charitie ſerẽt de faire droit a touts en tout temps, ou meſter ſerroit: Purueu eſt per aſſentment des ꝓlates, que aſſiſes de nouel diſſeiſin, mordaũceſter, & de darrein ꝓſentmẽt fuiſſent ꝓiſez en le Aduẽt en Septuageſime, & ẽ quareſm̃ auxibien coñ|le home| prent ſenquelles & ceo ꝓia le Roy as Eueſques.

Explicit ſtatũt de Weſtm̃ primer.

¶ Stat' de Bigamis, editum Añ. iiij. E. primj.

IN p̄sentia venerabiliū p̄r̄m quorundā epiſcoporum Angl', & aliorum de cōſilio regis, rectitate fuerunt cōſtitutiones ſubſcripte, & p̄ſtitutum coram dño rege & cōſilio ſuo audite & publicate, quia omnes de conſilio tam iuſtic. quā alij concordauerunt, qđ in ſcripturā redigerentur ad perpetuam memoriā, & quod firmiter obſeruentur.

¶ Ayde de Roy. 1. cap. 1.

¶ De placitis vbi tenens excipit, quod ſine rege reſpondere nō p̄t, concordatum eſt per iuſtic. & alios ſapientes de conſilio regni dñi regis, qui conſuetudines et vſum iudiciorum hactenus habuerunt, q̄ vbi feoffamētū factū fuerit per regem, & charta ſup̄ hoc incōfecta tm̄ ſe|habeat|qđ ſi alia p̄ſona p̄ cōſimile feoffamentum & conſimilē chartam teneret ad warrantiam, iuſtic. vlteri⁹ procedere nō poterunt, nec huiuſq; proceſſum. niſi ſup̄ hoc p̄ceptum a rege habuerint, nec videre|poſſunt|quod procedere poſſint.

¶ Ayde de Roy. 2. cap. 2.

¶ In certis autem caſib⁹, vtpote vbi Rex confirmauerit, vel ratificauerit factum alicuius in rem alienam, vel rem aliquam alicui conceſſerit, quantū in ipſo eſt, vel vbi charta p̄ſentur, quod rex ten̄ aliquod reddiderit, nec

net clausula aliqua in ea continetur, q̄ quā warrantizare debeat, ꝛ in consimilib⁹ calib⁹ non erit supersedendū occasione confirmationis, ratificationis, concessionis, seu redditionis, aut aliorum consimilium, quin postquā hoc regi fuerit oltem. sine dilatione p̄ceda-tur.

¶Ayde de Roye. 3. Cap. 3.

¶De donibus mulierum vbi aliqui custodes hereditatū maritorum suorū custodias habent ex dono vel concessione regis, siue custodes rem petitam teneant, siue heredes dictorum tenementorum vocentur ad warrant, si excipiant, quod sine rege respondere non possint, non ideo supersedeatur, quin loquela p̄dicta p̄out iustum fuerit, p̄ceda-tur.

¶Purpresture. 1. cap. 4.

¶De purpresturis, seu occupationib⁹ quibuscunq; factis super regem siue in libertatib⁹, siue alibi, concordatū est q̄ tempore regis H. diffinit erat ꝛ concordat, quod vbi occupatores superstites fuerint, rex de plano resumat sibi rem taliter occupatam de manibus occupantium, quod etiam de cetero in regno obseruetur. Et si aliquis de huiusmodi resumptionibus cōqueratur, p̄out iustum fuerit audiatur.

¶Clergie. 2. cap. 5.

¶De bigamis quos dominus papa in concilio suo Lugdunensi omni p̄uilegio clericali p̄iuauit, per constitutionem inde editā & inde quidā p̄elati illos qui effecti fuerāt

Biga-

Bigami ante predictam constitutionē, qui do de felonia rectati fuerunt, tāquā clericos exigerunt vbi liberandos, concordatum est & declaratum coram rege & consilio suo, q̄ cōstitutio illa intelligenda sit q̄ō siue effecti fuerint bigami |ante | predictam constitutionē, siue post, de cetero nō liberēt prelatis, immo fiat eis iusticia sicut de laicis.

Voucher. 6. cap. 6.

¶ In chartis autem vbi continentur, dedi & concessi tale tenementū sine homagio, vel sine clausula que continet warrantiam, & tenenō de donatoribus & heredō suis p certum seruicium, concordatū est p eosdem iustic. q̄d donatores, & heredes sui teneantur ad warrantiā. Vbi aut̄ continentur dedi & concessi &c. tenenō de capitalibus dominis feodi, aut de aliis quam de feoffatoribus vel heredib⁹ suis nullo seruicio sibi retento, sine homagio, vel sine dicta clausula |warrātic| heredō sui non teneantur ad warrantiā. Ipse tamē feoffator in vita sua ratione doni proprii tenet warrantizare. Predicte autē constitutiones edite fuerunt apud Westm̄ in parliamēto post festum sancti Michaelis. Anno regni regis E. filii regis H. iiij. & extunc locum habeat.

Explicit statutum de Bigamis.

Sta-

IAn du grace M. CC. lxvij. & del raigñ l'roy E. fitz l'roy Hẽry. vi. a Glocestier le mois daugust, puruciãt ñ le roye, pur amendemẽt de son roialme, & pur pluis pleiner exhibition de droit sicom̃ le profit doffice demaunde, appelles les pluis discretes de son roialme, auxibien des greinds come des meinders, estable est, et concordantment ordeine, q̃ come meisme le roialm̃ en plusours diuers cases, auxibien des franchises come dauters choses, en les q̃ls ley auãt faillit, & a eschuer les treisgreues damages & les nient numerables disherisons, les quels ieel maner defaut de ley fist a la gent du roialme, eit meslier de diuers suppletions de ley, et de nouels puruciances: les estatutes, ordeinmens & puruciances suis escripts de tout la gent de la roialme desormes soiẽt firmement gardes, come prelates, counties, barons & auts del royalme claiment auer diuꝫ fraunchises, & les quels examiñ et iudgeꝫ le roy a meismes les prelates, counties, barons & auters, auoit done iour. Purueu est & concordantment graunte, que les auauntdites prelates, counties, barones & auterz, eel maner de fraunchise vsent, issint que rien nelour acrecsee per vsurpation, ou occupation, ne rien sur le roy occupient, iesqz al prchein venue le roye per le countie, ou a la procheyne

venue des Justices errants, as cõmõ plees en mesme le countie, ou iesques le roy commaunde auter chose, saue le droit le roy coñ il en voudra parler, solonqz ceo que il est cõtenue en le bõ le roy. Et de ceo soient maundes briefes as viscountes, bayliffes & autres, pur chescun demandant. Et soit la forme del briefe change, solonqz la diuersitie des franchises, les queis chescun claime dauer. Et les viscountes per toutes lour baillies ferront communement crier, cestassauoir en cytyes, burghes, et villes merchandes, & ailours q̃ touts ceux q̃ aiscuns franchises claiment auoir per les charters les predecessours la Roye, royes Dẽgleterre, ou en auter maner, soyẽt deuant le roy, ou deuant Justices en eyer a certaine iour & lieu a monstrer quel manner de franchises ils claiment dauer, & per quel garrãt. Et les visconts mesmes donqz ferront illonqz personalment, ou lour bailliffes & ministers a certifier le roye sur les auantditz franchisez, & auters choses que celles franchises touchent. Et cest crie deste dẽãt le roy conteigne garnisement de iij. semaignes. Et en mesme le maner ferront les viscountes crier en oyer de Justices. Et en mẽ le manner ferront ils personalment, ou lour bayliffes & lour ministers, a certifyer les Justices de tiel manner de fraunchisez, et des auters choses que celles frãchises touchent. Et cest crie conteigne garnisement de quarãte iours, sic come le common summõs contient: sillint que si la party que claime aũ fran-

franchiſes, ſoit deuãt le roy ne ſoit pas mis en defaut deuant les Juſtices en eyer, pur ceo que le roy de ſa grace eſpecial ad graũt que il gardera la party de damage, quaunt a ceſt aiournement. Et ſi ceſt party ſoit empleé ſur tiels maners de fraunchiſes deuant vn paier de Juſtices auãtdits meſmes les iuſtices deuant lez q̃rs la partie eſt en plee, garderent le pty de damage deuant auters iuſtices, & deuant le roy luy meſme, meſque il ſache p̃ les iuſtices, q̃ le pty fuit en plee deuant eux ſicome il eſt auantdit. Et ſi ceux q̃ tiels franchiſes claiment auer, ne veignent p̃ al iour auantdit: donqz ſoient les fraũchiſes en noſme de diſtreſſe pr̃iſes en la main le roy per le viſcoũt del lieu: iſſint quils tiel maner de franchiſes ne vſent, ieſqz ilz veigner a receiuer dr̃oit. Et quant ilz veignẽt per ceſt diſtreſſe, lour fraũchiſes eux ſoiẽt repleuies ſilz les demaund, les quels repleuies reſpoignẽt maintenãt en la fo̅me auantdit. Et paraduenture les parties exceptẽt, q̃ls ne debuẽt mettre & reſpõd ſans br̃e original, dõqz ſil puiſſe eſtre ſuer q̃ eux de lour p̃oper fayt, eyent vſurpe ou occupie aſcũs fr̃ãchiſes ſur le roy, ou ſur ſes p̃decceſſours, dit lour ſoit. q̃ maintenãt reſpoignent ſans br̃eſe, & puis reſceiuent iudgement, ſicome le court le roy agardera. Et ſils dient ouſter, que lour auncẽſter ou lour añceſters de meſmes les fr̃ãchiſes m̃ront ſeiſles, ſoyent oyes, & maintenant ſoyt le verite enquiſe, & ſolonqz ceo aillent les auant en le beſoign:. Et ſi ſoyt

troue q̄ lour aūcestr ent mozult seisie: dōqz
eyt le roy bzief oziginal de la Chaūcery en
fourme fait de ceo: Le roy maund̄ salute au
viscount, summones per bone summoniours
ben tiel, que il soit deuant nous a tiel lieu en
nostre prochein venue en cel countie, ou de-
uant nous Justices a pzimer assises, come
ils en cels parties viendzont, a monstrer par
quel graunt il claime dauer quitance de toz-
fi pur soy ou pur sez homez p tout nostr̄e roi-
alme p continuacion apzes la mozt tiel iadis
son pzedecessour. Et aiets les summonours
a ceo bē̄e. Et si les parties veignōt al iour
respoignent, & soit replie & iudge. Et sils ne
veignent ne soy esloinent deuant le roy, & si
le roy demurra ouster en cel countie, soit cō-
maund̄ au viscont q̄ il le face venir al quart
iour. A q̄l iour sils ne veignent, & le roy de-
murr̄ ouster en cel countie, soit fait sicome en
eyze de Justices. Et si le roy depart del cō-
tie, soient les parties aiozncs a bzefe iour, &
eient reasonables delayes, iuxte les discreci-
ons des iustices, sicōe en accions psonall. Et
les Justices en eire facent de ceo, & lour oy-
ers solonqz lozdeinment auauntdit, & solōqz
ceo q̄ tiel mañ de plees debuient estr̄e deduct.
En oiir de plaints faits & affaires dez bai-
lifs le roy & dauterz baillifs, si soit fait solōqz
lozdeinment auant fait de ceo, & solonqz les
enquestes de ceo auant pzisez, & de ceo serrōt
les iustices en eyze solonqz ceo q̄ le roy lour
ad ēioint, & solonqz les articles q̄ le roy lour
ad liuere. | Vide tout ceo en latin plz playne

30.E.1.le statute de Quo warr, tit Fran-chises. 5.

¶ Dam. 1. cap. 1.

¶ Come auaunt ces heures damages ne fuerunt agardes en Assise de nouel dissessu forsqz tantsoleñt verz les dissessours. Purueu est, que si les dissessours alienent les tenements et nient dont les damages puissent estre leuies, qui ceux a que maines ceux tenements deuendront, soient charges des damages, issint que chescun respoign de son temps. Purueu est ensement, que le dissessé recouer damages en briefe Mentre fondue sur dissessin, vers celui qui est trouue tenant apres le dissessor. Purueu est ensement qui la ou auant ces heures damages ne fuerunt agardes en plee de mortdauncestre, forsqz en case ou tenements fuerunt recouerez deuers chiefes seignioirs / ceo fuist p statut Marlebr cap. 16. / qui desormes damages soient agardes en toutes cases, ou home recouer per assise de mortdauncestre, sicome est auantdit en assise de nouel dissessin. Et en meisme le maner rec. home damage en briefe de Cosinage, Ayel, et Besayel. Et la ou auant ces heures damages ne fuerõt taxes, forsqz a le value des issues de la terre: Purueu est que le demaundr puit rec. vers le tenant les costages de son briefe purchase, ensemblement ouesqz les damages auantdits. Et tout ceo soit tenus en toutes cases, ou home recouer damages. Et soit desormes chescun tenus a render damages, la ou home recouer vers

luy de sa intrusion' demeisne, ou de son fayt demeisne.

Age. 2. Cap. 2.

Si enfant deyns age soit tenus hors de son heritage apres la mort son pier, coisin, aiel ou bisaiel, per que il couient quel purchac. briefe, & son aduersarie veigne en court, & en respoignant alledge scoffement, ou auc choise dit, per que Justices agardent lenquest, la ou lenquest fuit delaye iesqz al age lenfant, si passa ore lenquest auxi come il fuit de plein age.

Warrantie. 1. Cap. 3.

Establie est enseñt, que si home ait fesi tenement, que il tient per le ley Dengleterre son filz ne soit pas forbarre per le fayt son pier (de que nul heritage luy descendñ) a demaũder & recouerer per briefe de Mortdaũcester de la seisin sa mier, tout face le charter son pier mencion que luy et ses heires sont tenus a la garr̃. Et si heritage luy descendñ de part son pier, dons soit il forclose de le value del heritage, q̃ luy est descendus. Et si en tiel case apres la mort son pier, heritage luy soit descendus per mesme le pier, donq̃s auera le tenant vers luy recouery de la seisin sa mier, per briefe de iudgement que illera hors de rolles des iustices, deuant queux le plee fuit plede, a reson̄ son garrantie, sicome auant ad este fait en autres cases, ou le garrantye vient en court & dit, que riens ne luy est descendñ de luy, per q̃ fait il est bouch. Et en mesme le manier eyt lillue le filz recouerñ per

per bziefe de Coſinage, Ayel, & beſaiel. Enſement & en meſm̃ le maner ne ſoit iheire la femme apres la mozt le pier & la mier, barr̃ daction a demaund̃ le heritage ſa mier per bziefe Dentre, que ſon pier en temps ſa mier aliena, doũt nul ſiñ neſt leue en court le roy.

¶ Ceſſauit. 1. cap. 4.

¶ Enſement ſi home leſſe ſa terre a ferm̃, ou a trouer eſtouers en biuer, ou en beſture q̃ amount a la quart part de la beray balue de la fre, & celuy q̃ la terr̃ tient iſſint charge la leſſe eſt giſer freſhe, iſſint q̃ home ne puit trouer diſtreſſe p deux ans, ou per trois, a faire le ferme render, ou a faire ceo q̃ eſt cõ=tenue en leſcript ou leas: eſtablie eſt q̃ apres les deux ans paſſes eit le leſſour action a de=maũder la terr̃ en deucigñ per bziefe q̃ il a=uera en la chaũcery. Et ſi celuy, vers que la terre eſt demaũd̃, beigñ auaũt iudgemẽt, et rend̃ les arrerages & lez dañ, & troua ſuerty tiel cõe la court berra q̃ ſoit ſuffiſãt a rend̃ en aꝑz | ſolonqz | ceo q̃ eſt cõtenue en leſcript du leas, ſi reteigñ la fre. Et ſi demur̃ tan=que ele ſoit recouer per iudgemẽt, ſoit il foꝛ=cloſe a remenant. | W. 2. capitulo 21. et capi=tulo 41.

¶ Waſte. 4. Cap. 5.

¶ Enſemẽt eſt puruieu, q̃ home eit deſoꝛ=mes bien de waſt en le chãcery deꝛz hõe q̃ tient per le ley Wenglefre, ou en auter maner a terme de vie, ou des ans, ou feme q̃ tient en doſwer. Et celuy q̃ ſerr̃ qtraint de waſt, pde

le chose que il auer̄ waste: et oustet ceo face gree del treble de ceo q̄ le wast serr̄ taxe. Et en wast fait en garō, sont fait solonqz ceo que contenu est en la graūō charter cap. quarto. Et per la ou il est contenu en la granō chr̄, que celuy q̄ auer̄ fait wast en garō parō le garō, accorō est, quel rendra al heire les dam̄ del waste si issint sont q̄ la garō pdue ne sufsist mie a le value des dam̄, auaunt lage del heire de m̄ le garō. | W. 1. ca. 21. articuli sup cart. cap. 18.

¶ Mordaunceſter. 2. Cap. 6.

¶ Purueu est enlement q̄ si home murge, & eit plusours heires, dont lū est fits ou fil frere ou soer, neueu ou niece, & les auts sont en plus long degree, touts les heirez desormes eient recouere per bzieue de mordaunceſtour.

¶ Entre. 2. Cap. 7.

¶ Enlement si feme venō, ou done en fee, ou a terme de vie, tenāt q̄ ele tient en dower, estably est q̄ le heir̄, ou aut, a qui la terr̄ deuoit reuerr̄ apꝛs le deceſſe la fem̄, eit maintenant son recouīe per bzieue denr̄, fait de ceo en la chauncery.

¶ Treſpas. 1. Cap. 8.

¶ Purueu est enlement q̄ les viscōtz pleō en counties les plees de treſpas, auxi cōe ilz soilent estre pledes. Et q̄ nul neit desormes bzieues de treſpes deuāt Juſtices, sil ne affirme per soy, q̄ les biens emporꝛtes vailent xl. s. al meins. Et sil se pleint de batery, affirme per soy q̄ sa pleint est veritable. Des

plaies

plaics, et des mahemes, cil home briefe ſi-come home ſoleu auer. Et graunt eſt, q̄ les defend̄ puiſſēt faire attorneis en tiels pleȝs, ou appell̄ ne giſt mie, iſſint que ſ̄ils ſoiēt at-taints | du treſpas | en lour abſence, ſoit mād̄ al biſ̄, q̄ ils ſoient pꝛiſes, et eient adōq̄s la peiñ, q̄ ils aueront, ſ̄ils biſ̄t eſtre pꝛeſentez q̄nt le iudgemēt fuit rendus. Et ſi les plein-tifes deſoꝛmes en tiel triñs ſe facent eſſoine apꝛs la pꝛiñ apparance, ſoit tour done ieſq̄s a la venue des iuſtices errants, & ieȝ defend̄ en dementiers ſoient en peas en tiels pleȝ, & en autes pleas, ou attachemēts e diſt̄ gi-ſent. Si le defend̄ le face eſſoiñ del ſeruice le roy, et ne pꝛt ſon garrāt au iour q̄ doñ̄ luy eſt per ſon eſſoiñ, eſt a bie eſt que il rendꝛa al pl̄ les damages de la tourne de xx.s. ou de pluis, ſolonq̄ le diſcret̄ deȝ iuſtices, & iade-mains ſoit en le griefe merop le roy.

¶ Pardon. I. Chap 9.

¶ Pꝛuueu eſt enſement, que nul bꝛiefe ne iſſ. deſoꝛmes de le chaunce t̄ pur moꝛt d̄ hōe denquerer ſi home occiſt aut̄, per miſaduen-ture, ou ſoy defēd̄, ou en aut̄ mañ pur feloñ, mes celuy ſoit en pꝛiſon ieſques al venue deȝ iuſtices errāts, ou alligñ a gaol̄ delmeō & ſe miſt en pais denāt cur d̄ bñ & male. Et ſi ſoit troue p̄ pais q̄ il le fiſt ſoy defendant ou p̄ miſaduent̄, donq̄s fra les iuſtices aſſa-uer au roy, & l̄ roy luy en fra ſa grace ſi luy pleiſt | W. I. ca. II. | ¶ Pꝛuueu eſt enſement q̄ nul appell̄ ſoit abatue ſi legierm̄t cōe auañt ad eſſe, mes ſi lappellour counte le fait iaſi

le iour

le iour, le heure, le tẽps le roy, & la vill' ou le fait fuist fait, & de quel arme il fuist occise, le estoia lappell', & iames ne soit lappell' abat⁹ per defaut de fresh suit puis q̃ hõc sue dedeig ian & le iour apres le fait.

¶ Essoine. 7. cap. 10.

¶ Come il soit contenue en lestatut le roy q̃ ore est | W. 1. cap. 42. | que deux parceners ou deux queux teigne en comen, ne puissent forcher per essoine, del heure quils sont vn soits apparus en court. ¶ Durrieu est q̃ mesme ceo soit tenus et garõ, per la ou home & la feme sont empledes en la court le roy.

¶ Disceipt. 1. cap. 11.

¶ Durrieu est enlement, q̃ si home baille en la citie de Londres son tenement a terme des ans, & celuy a que le franktenement est, se face empleõ per collusion, & face def. apres def. ou deigne en court, & la voilt renõ pur faire le termour perdre sõ terñ, & le demãd eit quere li, allint q̃ le termour puisse ainsi recouere p briefe de couenant, le maior et les baillifes puissent enquirer per bone visñ en la presence del termour, & del demaundant, le quel le demandant moeust son plee p bon droit quel auoit, ou per collusiõ & per fraud pur faire le termour parõ son terme. Et si trone soit per inquest, q̃ le demandant moeust son ple per bone droit quel auoit, si soit le iudgement parfourme maintenant. Et si trone soit per inq̃st, q̃ il luy empleda p fraud pur toller le termour son terme, si demurge le termour en sõ tẽme, & lexecuc̃ del iudgemẽt pur

pur le demaundant soit suspendous, iesques apres le terme passe. Et en meisme le maner sont fait de equitie en tiel case deuant Justices, si le tenaunt le chalenge deuãt iudgement rendus.

¶ Voucher. 5. Cap. 12.

¶ Purueu est enseement que si home soyt empled de tenement en ñ la citie, & vouche soyesñ a garrantie, q̃l veign̄ en la chauncery & cit bryefe de soñ son garrant a cert iour deuañt Justices du banke, & vn autr̄ bre au maior & as baillifes, que ils surcessent en le parol que est deuañt eux per bryefe, iesques a tañt que le parol de le garrantie serra termine deuañt Justices du banke. Et q̃n le parol de la garrantie serra termine deuañt Justices de banke, donq̃s serra dit au garr̄ q̃ il voice en la city de Lond̄ a respoign̄ d chiefple. Et le dñant p̄ sa suit cit br̄ do Justices de banke au maior & as baillifs, q̃s volent auant en le plee. Et si le dñant recoit vers le tenant, veign̄ le ten̄t as iustices de banke, et cit bre au maior & as baillifs, q̃ si le ten̄t eit la tre p̄d̄, q̃ ils facent extend̄ la tre, et rem̄ lettent en bank a cert iour, & apres soit mand̄ au bail̄ du pais ou le garrant fuist soñ, q̃l luy face auer de la terr̄ le garrãt a le bailie

¶ Vide articul' Glocestr correct. Anno nono Edwardi. 2.

¶ Estrepement. 1. Cap. 13.

¶ Purueu est enseement, que del heure q̃ plee serra meu en la city de Lond̄res per br̄, que le tenant nest power de faire waste, ne estrepement

eſtrepement du teneñt q̃ eſt en dõ, pendt le plee. Et ſil le face, le maiꝛ & les baliſez facent garõ a le ſuit de le dõant. Et ñ lozd, et ſtatut ſoit garõ en auꝛs cities, bozoughs, & ailleurs per tout le royalme.

¶ Damages. 2. Chap. 14.

¶ Le roy graũte de ſa grace as citizenz de Loñdꝛes, q̃ la ou auañt ceꝛ heꝛez ceux q̃ fuerunt diſſeiſies de lour franktenemẽt en ñ la citie, ne poient recou lour dãmage auãt le venue des iuſtices a la toꝛꝛe, q̃ deſoꝛmes ſoeur diſſeiſies eiẽt lour dañ p reconiſãs de laſſiſe, per le q̃l ils recoñient lour teñtz, & les diſſeiſours ſoiẽt añcies deuant deux barõs del eſchequer, q̃ux vn foitz p an viendꝛõt en la citie a ce fair. Et ceo ſoit maũdõ au treaſoꝛer, & as barons del eſchequer, q̃lz le facent fair cheſe an p ñ. de eux a lour leuer aꝑs la chaſtidelure. Et les amercíamẽtz p les ſoumons del eſchequer, ſoient leues al oeps le roy, & al eſchequer deliuerez.

¶ Wynes. I. cap. 15.

¶ Duruieu eſt enſeñt q̃ le maire & lez baliſes auañt le venue de ceux baronz enquergent des vines vendus encount laſſiſe, et le plent ẽt deuãt eux a lour venue, & dõq̃z ſoient amercies, la ou ils ſoient attendꝛ ieſq̃s a le venu des iuſtices errantz. Donez a Glocẽſter le quart iour de October, lan du reigñ le roy Edward fitz le roy H. 6.

¶ Explicit ſtatut de Glocester.

Explanationes

DOſtmodum p dominū regem, et iuſticiarios ſuos facte ſunt q̄dam explanationes quoꝝūd articuloꝝ ſuperius poſitoꝝum.

¶ Damages. 3. cap. 1.

¶ Videlicet ad primum articulum, vt illi q̄ hūt ingreſſum per diſſeiſinam incurrant damna a tempore ſtatuti publicati. Eodem modo de breuibus de ingreſſu ſuper diſſeiſinam. De damnis in ommbus breuib⁹ mortis ātecelloꝝis, cōſanguinitatis, aui. vel proaui, de intruſione, vel de facto proprio, per quodcūq; bre, currant damna poſt impetrationem breuis, contra eos qui temuerunt per ſtatutum, licet antecelloꝝes ſui prius inde obierunt ſeiſiti.

¶ Age. 3. cap. 2.

¶ De inquiſitione faciend̄, q̄ tangit illos q̄ ſunt infra etatem, currat ſtatut̄ ſine tēporis limitatione.

3 ¶ De terris alienatis per illos qui tenēt p legē Anglie, currat ſtatutū de hm̄odi tris alienatis poſt ſtatutum illud publicatum. Eodem modo currat ſtatutum de terris breuis alienatis per virum vbi finis in cur̄ nō eſt inde leuat.

¶ Ceſſauit. 1. cap. 4.

¶ De terris dimiſſis ad feodi firmā, reddendo inde per annum quartam ptem veri valoꝝis

valoris earum, currat statutum, tam de terris dimissis ante statut edit, quam post dūmodo tenēs detinuerit vltra duos annos post statutum edit, id quod solucre debuit dimissori per annum, iuxta script conuentionis illius.

¶ Waste. cap. 5.

¶ De pena vasti, de omnibus (preterquā de dotibus & custod) intelligat de vastis factis post statut edit. Et de pena tripli in casibus vasti de dotibus et custodijs, intelligat de vastis factis post statut edit.

¶ Entre. cap. 6.

¶ De his qui alienāt dotem suam intelligat post statut editum.

¶ Dat apud Gloc. die dominica prox. post festum diui Petri ad vincul, anno R. R. E. 1. sexto.

¶ Statutum de religiosis editum Anno. vij. E. primi.

¶ Mortmaine. 3. Cap. 1.

QUam dudum prouisum fuerit, q viri religiosi non ingrederentur feoda aliquorum, sine licentia et voluntate capit dnorum feodo de quibus feoda illa immediate tenent, & viri religiosi postmodum nihilominus tam feoda sua propria, quam aliorum

aliquam hactenus ingressi sunt, ea sibi appropriando, et emendo, & aliqñ ex dono aliorum recipiendo, per quod seruitia que ex huiusmodi feodis debent, et q̃ ad defensionem regni ab inuio prouisa fuerint, indebite subtrahuntur, & capitales dñi escaetas suas inde amittunt: Nos sup hoc p utilitate regni nostri congruũ volentes ꝓuidere remediũ: de consilio ꝓlatorũ comitũ baronũ & aliorum fidelium regni nostri de consilio nostro existẽtium, prouidimus, statuimus, et ordinauimus, quod nullus religiosus, aut alius quicunq; terras aut tenita aliqua emere vel vẽdere, vel sub colore donationis, aut termini, aut ratione alterius tituli cuiuscunq; terras aut tenementa ab aliquo recipere, aut alio quouismodo arte vel ingenio sibi appropriare ꝓsumat, sub forisfactura eorundem p quod ad manum mortuã terre vel tenita huiusmodi deueniant quoquomodo. Prouidim⁹ etiam ꝙ si quis religiosus aut alius cõtra ꝓsẽs statut̃ aliquo modo arte vel ingenio venit̃ ꝓsumpserit, liceat nobis et aliis immediate capitale dõis feodi talit̃ alienati illud infra annum a tẽpe alienationis hmõdi, ingredi & tenere in feodo & hereditate. Et si capit̃ dñus immediate negligens fuerit, et feod̃ hmõdi ingredi noluerit infra annũ, tunc liceat primo capit̃ dño immediat̃ feodi illius, infra dimidiũ ann̄ sequẽtẽ, feod̃ illud ingredi, & tenere sicut p̃d̃ est, Et sic q̃libet capitalis dñs immediate ingredi p̃t hõi feoda, si propinquior dñs imed̃ ad ingrediend̃ hmõdi feoda negligens fuerit

vt

vt predictum est. Et si omnes hmodi capitales domini hmodi feodi qui plene etatis fuerint, infra quatuor maria, & extra prisonam, & vnum annum & dimidium negligentes fuerint, vel remissi i hac parte: Nos statim post annum completum a tempe quo huiusmodi emptiones, donationes, vel alios appropriationes fieri contigerit, eras et tesi huiusmodi capiemus in manum nostram alios inde seoffabim⁹ per certa seruitia nobis inde ad defentionem regni nostri faciend, saluis capitat dominis feodorum illorum wardis, reliefs & escaetis, & alijs ad ipsas pertin, ac seruitijs inde debit et consuet. Et ideo vobis mandamus, qd statutum predictum coram vobis legi et de cetero firmiter teneri et obseruari faciatis. Teste me ipso apud westm. xiij. die Nouembris. Anno regni nostri. vij. &c. | M. C. ca. 36. W. 2. ca. 32. & 33. & W. 3. Anno. 18 E. 1. cap. 4.

¶ Explicit statutum de Relig.

¶ Statutum de Acton Burnel edit. Anno. xi. E. i.

¶ Recognisance & statut. marchant. cap. I.

PAr ceo que merchauntes, queux auaunt ceux heures ount prests lour auoir as diuers gents, sont chues en pouertie, par ceo q̄ ils nauoient pas ey redy ley purueu, p la quel ils poient lour dettes hastiuemēt recouerer

couerer al iour de la paye assigne, et per icel enchelon sont multz des merchants lustreiz de bener en cest terre ouc lour merchandises as dam̃ as marchants, & de tout le Roialme. Le roy per luy, & per tout son counsell, ad ordaine et estable, que merchant que doit estre sure en son det, face bener son dettour deuãt le Maior de Londres, ou de Euerwike, ou de Bristoll', ou deuant le Maior & vn clerke que le roy a ceo attournera, conuser la det, et le iour de paimẽt, soit la reconuis. entre en roll' de le maire le dit clerke que serra conue. Vuster ceo le dit clerke face de sa maine lettre obligat, a quel escripture soit mis le seal' le dettour, ouc le seale le roy que a ẽ soit purueu, le quel seale demurra en le gard del maior & le clerke auantdit.

Et si le dettour ne luy rende al iour que luy est done ou assis, si beigne le creansure al maior et al clerke ouc sa lettre oblig. Et si trouc soit per rolle ou per letter, que la det suit conue, & que le iourc assis est passe, le Maior per bien des prudes homes, mayntenaunt face vendre les meubles du dettour come atteint de la dette, sicome chatcux burgages deuisables, iesque a la somme de la dette, et les deniers soient payes al creansour. Et si le Maior ne troue achatour, face y reasonable price luuerer les moebles a creansour, iesque a la somme de la dette en allowance de le dette. Et a la vende, et la liuere des burgages deuisables serra mys le seale le Roye auauntdit, en pardurable tes-

moigñ. Et ſi le dettour neit moebles ſin la poier le Maior, dont le dette purr̄ eſtr̄ leue, eins eit ailours en la realme, donqz maunde le Maior delouth le ſeale le roy auantdit al Thaunceller la comiſ. fait deuant luy et la-uantdit cierke. Et le Thaunceller maunde bꝛief al vic. en que baily auer moebles le det-tour. Et le vic. face faire grꝛe al creanſour p meſme la forme, que le Maior le ſerroit, ſi les moebles le dettour fuiſſent en ſon poyer. Et bien ſoy gardent ceux, q̄ ont pꝛaiſe l's bñz moebles pur liuerer al creanſour, q̄ ilz mettēt reaſonable pꝛice. Car ſilz les mettent trope haute, en fauour del dettour, al dam̄ del cre-anſour, la choſe pꝛiſe ſoit liuer a ceux queux lauerōt pꝛaiſe pour le pꝛice q̄ ilz ent ont mitz, e maintenāt reſpoign̄ al creanſour de ſa det. Et ſi la dettour voill' dire, q̄ les biens moe-bles fuerent vendus ou liuerez pur mi nes q̄ ilz ne vaillent de ceo ne purr̄ il mie remedye auoir, p quoy q̄ le maior ou le vicount eyent loialment les bñz moebles a celuy q̄ pl⁹ of-fert vendus, car il purra retier a luy m̄ q̄ a-uant le iour de la ſuit pꝛt ſes bñz moebles auer vendue, e per ſes mains les deniers, a-uoir leue, et ne voillet.

¶ Et ſi le dettour neit moebles, dōt la det purr̄ eſtre leue, donques ſoit ſon corps pꝛiſe ou que il ſerra troue, e en pꝛiſon tenue, ieſque a tant q̄ il eit fait grꝛe, ou ſes amies pur luy. Et ſil nad, dont il poet eſtre ſuſtenus en pꝛi-ſon, la creanſour luy trouera paine et eſme, ſi ne mourge en pꝛiſon pur defaulte, les queux

coſtages

coltages le dettour luy rendō oue le det, auñt q̄ il isset del prison.

¶ Et si le creansour soit merchāt estrāg, si demurē al coltages le dettour tout le temps qui il demurt pur suer sa dette leuer iesque al heure que les biens moebles le dettour soient vendus ou a luy liuers.

¶ Et si le creāsour ne se paia pas de la suertie solement le dettour, per que pledges luy soiēt troues ou mainpernours, si les mainpernours ou les pledges veign̄ deuaunt le maior et le dit clerk, et soy obligent per escripturē & recognus. sicome auaunt est dit del dettour. En m̄ le manner si la dette ne soyt paia a tour allis, soit fait lexecution sur les pledges & mainpernours come auant est dit del dettour. Et eit le creansour recouere sur les pledges & mainpernours come auant est dit del dettour.

¶ Et illinc ne pur quant que tanqz com̄ la dette puisse estre pleinement leue des biens moebles del dettour en la forme auantdit, les mainpernours ou les pledges ne eyent dam̄mes en defaulte des biēs moebles du dettor eit le creansour recouere sur les mainpernours ou sur les pledges en la fourme que auant est dit del dettours &c. Et a sustciner les coltages de lauantdit clerke, si prendra le roy de chescun liuer vn denier. Cest establishment voit le Rope que desormes soyt tenus & garō per tout son Roialme Dengleterre, entre quel gēts que ē soit, q̄ de lour demesne degree voudrōt cest recognisās faō

hors prise Jewes aux q̃ux cest establishmẽt ne se extend pas.

¶ Et p cest establishmẽt ne soit pas briefe de det abatus, & ne soient pas le Chaunceler, Barons de leschequer, Barons de lumbãke et de lauter, ou Justices errãts forcios de prendre recognuisances des dets des ceux que deuant eux vouldront faire. Mes lexecution des recognuisances deuãt eux ne soient faitz en la forme auant dit, mes per la ley, et les vsages, & les maners auante vses.

Done a Acton Burnel, le xij. iour de October lan de nostre raigne | 11. vid̃ stat de Mercatoribus añ. 13. E. 1.

¶ Statutum de westm̃, 'ii, edit' Anno xiii, E. primi.

CUm nuper dominus Rex, in quindena sancti Johannis Bapt. anno regni sui sexto, conuocatis prelatis, comitibus, baronibus, & ꝯconsilio suo apud Gloc. quia plures de regno suo exheredationem paticbant, eo quod in multis casibus, vbi remediũ apponi debuit prius non fuit, per predecessores suos, aut p ipsum remedium prouisum, quedam statuta populo suo valde necessaria & vtilia edidit, per q̃ populus suus Anglicanus & Hybernicus sub suo regimine gubernat⁹ celeriorẽ iusticiam

ciam,quam prius in suis oppressionib⁹ cō=
secutus est,ac quidam casus, in quibus lex
deficiebat remanserunt indeterminati, & q̃d⁹
ad reprimendō oppressionē populi remāserūt
statuenda: Dñs rex in parliamento suo,post
Pascham,ānō regni sui tertio decimo apud
Westm̃,multas oppressiones populi,et legū
defectus,ad suppletionem dictorū statutorū
apud Gloc.editorum recitari fecit,& statuta
edidit,vt patebit in sequent̃.

¶ Itaile. 1. Cap. 1

¶ In primis de tenementis, que multocies
dantur sub conditione,videlicet cum aliquis
dat terram suam alicui viro,& eius uxori,et
hered̃ de ipsis viro et muliere procreatis,ad=
iecta conditione expressa tali. Si huiusmodi
vir et mulier sine hered̃ de ipsis viro & mu=
liere procreato obiisset, terra sic data ad do=
natorem,vel ad eius heredē reuertatur. In
causa etiā cum quis dat ten̄ alicui in liberū
maritagium,quod donum hz conditionē an=
neram,licet nō exprimatur in charta dom,q̃
talis est. Quod si huiusmodi vir et muli=
er sine hered̃ de ipsis viro & muliere procre=
ato obiissent,tenementum sic dat̄ ad dona=
torem, vel ad eius heredem reuertatur. In
casu etiam cum quis dat tenementum alicui
& hered̃ de corpore suo exeuntibus, diu=
debit̃,& adhuc videtur,huiusmodi donatori=
bus & heredibus donatorum,quod voluntas
donatorum ipsorum in donis suis expressa:
non fuit prius,nec adhuc est obseruata. In
omnibus enim predictis casibus post prolem

ſuſcitatam & exeuntem ab ipſis quib⁹ teñ ſic conditionaliter fuit datum, huiuſq; habuerunt huiuſmodi feoffati poteſtatem alienandi teñ ſic datum, & exheredandi exitum eoꝝ contra voluntatem donatoꝝ, & contra formam in dono expreſſam. Et preterea cũ deficiente exitu de huiñi feoffatis, teñ ſic datum ad donatorem, vel ad eius heredes reuerti debuit p formã in chart̃ de dono huiuſm̃i expreſſã, licet exitus (ſi quis fuerit) obtinet p factum tamen & feoffamentum eoꝝ q̃b⁹ teñ ſic fuit datũ ſub cõditione, excluſi fuerũt hucuſq; de reõſione eoꝝdẽ tñ toꝝ, q̃ manifeſte fuit contra formã doni. Propter quod dñs rex perpendens, q̃ neceſſariũ et vtile eſt in predictis caſib⁹ apponere remediũ, ſtatuit quod voluntas donatoꝝ, ſecundũ formam in charta doni ſui manifeſte expreſſã, de cetero obſeruetur, ita q̃ non habeant illi, quibus teñ ſic fuit datum ſub conditione, poteſtatem alienãdi teñ ſic datum, quo minus ad exitum illoꝝ, quibus teñ ſic fuerit datum remaneat poſt eoꝝ obitum, vel ad donatorem, vel ad eius heredem (ſi exitus deficiat) reuertatur, per hoc quod nullus ſit exit⁹ dõnino, vel (ſi aliquis exitus fuerit, & per mortem deficiet) herede de corpore huiuſmodi exitus deficiente. Nec habeat de cetero ſecundus vir huiuſmodi mulieris aliq̃d in teñ ſic dato per conditionem, poſt mortem vxoris ſue, per legem Anglie: nec exitus de ſecundo viro & muliere ſucceſſionem hereditariam: ſed ſtatim poſt mortem viri & mulieris, quibus

bus tem̃ sic fuit datum, post eorum obitū ad eorum exitum, vel ad donatorem, vel ad eius heredem (vt predictum est) reuertatur. Et quia in nouo casu nouum remedium est apponendum: fiat impetranti tale breue. Precipe A. quod iuste &c. reddat B. tale manerium cum pertinen̄, quod C. dedit tali viro, & tali muliert, & heredi de ipsis viro & muliere exeuntibus: vel qd̄ C. dedit tali viro in liberum maritagium, cum tali mulitre, & qd̄ post mortem predictorum viri & mulieris predicto B. filio eorundem viri et mulieris discendere debet per formā donationis predicte, vt dicit: vel quod C. dedit tali & heredi de corpore suo exeūtibus, et quod post mortem ipsius talis, predicto B. filio predicti talis discendere debet per formam donationis &c. Breue per quod donator habet recuperare deficiente exitu, satis est in vsu in cancellaria. Et sciendum est quod hoc statutum quoad alienationem tenementi contra formam doni imposterum faciendi, locum habeat, et ad dona prius facta non extendat. Et si finis super huiusmodi tem̃ imposterum fiat, ipso iure sit nullus. Nec habeat heredes huiusmodi, aut illi ad quos spectat reuersio (licet fuerunt plene etatis, in Anglia, et extra prisonam) necesse apponere clameū suum.

¶ Repleuin. 2. Cap. 2.

¶ Quia domini feodorum distringentes tenentes suos, pro seruitijs & consuetudinibus sibi debitis, multociens grauantur

per hoc,quod [cum] tenentes sui districtionē suā per bꝛeue, vel sine bꝛeue, replegiauerunt ac cum ipsi domini (ad querimoniam tenentium suoꝝm) ad com̃, vel ad aliam curiā habentem potestatem placitandi placita ꝺ vetito namo per attachiam̃ venerint, & rationabilem et iustam districtionem aduocaucrint, per hoc qꝺ tenentes disaduocant nihil tenē nec clamant tenere de eo qui districtionē fecit, et aduocauit, remansit ille qui distrinxit in misericoꝛdia, & tenentes sui quieti, q̃bus pꝛo illa disaduocatione per recoꝛdum com̃, siue aliarum curiarū, que recoꝛdum non habent, pena infligi non potest. De cetero pꝛouisū est & statuꝝ, qꝺ cū hm̃odi dñi in com̃ vel hm̃odi curia, iustiꝝ de hm̃odi tenētibus suis consequi non possint, quā cito attachiati fuerint ad sectam tenentium suoꝝm, concedatur eis bꝛeue ad ponēdum loquelam [illam] coꝛam Justiciarijs, coꝛā quibus (et non alibi) iustitia hmōi dominis exhiberi poterit, & inseraꝝ causa in bꝛeui, quia talis distrinxit in feodo suo pꝛo seruiꝝ & consl. sibi debitis. Nec per istud statutum derogaꝝ legi communi vsitate, qꝺ non permisit aliquod placitum poni coꝛam iustiꝝ ad petitionē defendentꝝ: quia licet pꝛima facie videaꝝ tenēs actoꝛ, & domin⁹ defendens, habito tamē respectu, ad hoc quod dominus distrinxit, & sequiꝝ pꝛo seruicijs et consl. sibi a retro existen̄ iterum apparebit potius actoꝛ, siue q̃rens, quam defendens. Et vt in certo sint Justiꝝ, de qua recenti seisina poterunt dñi aduoca-

re

re rationabilem districtionem super tenẽtes suos de cetero concordatum est, quod rationabilis districtio poterit aduocari de seisina antecessorum vel predecessorum suorum, a tẽpore quo breue nouę disseisinę currit, |vide W. 1. ca. 38.| Et quia aliquando cõtingit, q̃ tenens postquam replegiauerit aueria sua, aueria illa vendit vel elongat, quo min⁹ retornum possit fieri dño distringenti, si adiudicetur. Prouisum est, qõ vic̃ vel balliui de cetero non recipiant a conquerentibus solũmodo plegios de prosequendo, antequam deliberationẽ faciant de auerijs, sed etiam de auerijs retornandis, si adiudicet̃ retornum. Et si q̃s alio modo plegios ceperit, respondeat ipse de precio auerioꝝ. Et habeat dominus distringens recuperare per breue, qõ reddat ei tot aueria, vel tot catalla. Et si nõ habeat balliuus vnde reddat, reddat superior su⁹. Et ꝙa aliquando contigit, quod postquam adiudicatum fuerit distringenti retornũ auerioꝝ, & sic districtus, postquam auceria sic retornata iterum replegiauerit, cũ viderit distringentem comparentẽ in curia paratum sibi respondere, defaltam fecerit, ob quam iterum readiudicabit̃ distringenti retornum auerioꝝ, & sic bis vel ter & mũnitiũ replegiabuntur auceria, nec habebunt iuditia curie regis in hoc casu effectũ, super quo nõ fuit prius remedium prouisum: Ordinatũ est in hoc casu talis processus, qõ quam cito adiudicatum fuerit retornum auerioꝝ distringenti, per breue de iuditio, mãdetur vic̃ quod

quod retornam habere facrat distringenti de auerijs, in quo breui inseratur, quod vic̃ ea non deliberet sine breue: in quo fiat mentio de iuditio per iustic̃ reddit̃: quod fieri non potent, nisi per breue quod creat de rotulis Justic̃, coram quibus deduct̃ fuerit loquel̃. ¶ Cum igitur / districtus / adierit iustic̃, & petierit aĩa sua iterũ sibi replegiari, fiat ei breue de iudicio, quod vic̃ (capta securitate de prosequendo, & etiam de auerijs seu cattalis retornandõ, vel eorum precio, si adiudicet retornum) deliberet ei auera, vel cattalla prius retornata: et attachietur ille qui distrinxit, ad veniendõ ad certum diem coram iustic̃, coram quibus placitum deducatur in presentia partium. Et si iterato ille, qui replegiauerit auera, fecerit defaltam, vel alia occasione adiudicetur retornum districtionis tam bis replegiatũ, remaneat districtio illa in perpetuum irreplegiabilis. Sed si de nouo, et de noua causa fiat districtio, de noua districtione seruetur processus supradictus.

¶ Cui in vita. 1. Cap. 3.

¶ In casu quando vir amiserit per defaltam tenũ, quod fuit ius uxoris sue, durñ fuit qõ uxor, post mortem viri non habuerit aliud recuperare quã p breue de recto. Propt̃ qõ dñs rex statuit, qõ mulier post mortem viri sui habeat recuperare per bre de ingressu, cui ipsa in vita sua cõtradicere nõ potuit quod in forma subscripta erit placitandõ. Si contra petitionem mulieris tenens excipiat,

qõ

qđ habuit ingressum per iuditium et compertum fuerit, quod per defaltam, ad qđ tenens necesse habet respondēr, si ab eo queratur tunc iterum habet necesse ostendere ius suū secundū formā breuis, qđ prius impetrauit super virum ⁊ vxorem. Et si verificare poterit, quod habuerit, vel habet ius in teñ petito, nihil capiat mulier p breue suū. Quod si ostendere nō poterit, recuperet mulier teñ petitum, hoc obseruato, quod si vir absentauerit se, ⁊ noluerit ius vxoris sue defendere, vel in vita vxore sua reddere voluerit si vxor ante iudicium venerit, parata petenti respondere, ⁊ ius suum defendere, admittatur vxor. Eodem modo si tenens in dotem per legem Anglie, vel aliter ad terminum vite vel per donum in quo reseruatur reuersio, fecerit defaltam, vel reddere voluerit, admittantur heredes, vel ill' ad quos spectat reuersio, ad responsionem, si venerint ante iudicū Et si per defaltam, vel redditionem reddat iudicū, tunc habeant heredō, vel illi ad quos spectat reuersio, post mortem huiusmodi tenentium, recuperare per breue de ingressu: in quo obseruetur idem processus, sicut predictū est in casu vbi vir amittit per defaltā teñ vxoris sue. Et sic in casibus predictis due concurrunt actiones: vna int̄ petentem et tenentem, ⁊ alia inter tenentem ius suū ostendentem ⁊ petentem. vide 20. E. 1. defensio iuris.

¶Dower. 3. Cap. 4.

¶ In casu quando vir implacitatus de teñ

ten̄ reddit tenementum petitum aduersario suo de plano, post mort̄ viri, iusticiarij adiudicent mulieri dotem suā, si per breue petat. Sed in casu quando vir amittet per defaltam tenementum petitum, si mulier post mortem viri petat dotem, et compertum est, quod per aliquos Justic̄ adiudicat̄ fuit dos mulieri petenti, nō obstante defalta, quā vir suus fecit alijs Justic̄ in cōtraria opinione existentibus, & contrarium iudicantibus, vt de cetero huiusmodi ambiguitas amputetur & sit in certo: Ordinatum est quod in vtroque casu audiatur mulier, que dotem petit. Et si excipiatur contra ipsam, quod vir suus ten̄, vnde dos petita est, amisit per iuditium, per quod dotem habere non debet, & si q̄rat̄ per quod iuditium et compertum fuerit qō per defaltam, ad quod tenens necesse habet respondere, tūc oportet tenent̄ vlterius respondere, et ostendere quod ipse [tenens] ius habuit, & habet in predicto ten̄, secundū formam breuis, quod tenens pur̄ super virum impetrauit. Et si ostendere poterit, qō vir mulieris non habuit ius in ten̄, nec aliquis alius quā ipse qui tenet: recedat quietus, et vxor nihil capiat de dote. Quod si ostendere non poterit, recuperet mulier dotem suam. Et sic in casibus istis, et in quibusdā casib̄ subsequent̄. s. quando vxor dotata amittat dotem suam per defaltam, & tenentes in libero maritagio per legē Anglie, vel ad terminum vite, vel per feodum talliatum, concurrunt plures actiones. Quia huiusmodi

tenentes

tenentes, cum oporteat eos petere tenementa sua per defaltam amissa, et cum ad hoc perventum fuerit, quod tenens necesse habet ostẽdere ius suum, non possunt ipsi, sine his ad quod spectat reuersio, de iure respondere: et ideo concedatur eis, quod vocent ad warrãt secundum tenorem breuis, ac si essent tenentes |in priori breui| warrant habeant. Et cũ warrantus warrantizauerit, procedat placitum inter illum qui seisitus est, et warrantũ secundum tenorem breuis, quod tenens pri⁹ impetrauit, et per quod recuperauit p defaltam. Et sic ex pluribus actionib⁹ ad vltimũ perueniat ad vnum iudicium, videlicet ad hoc quod huiusmodi petentes recuperent petitionem suam, vel quod tenẽtes eant quieti. Et si actio huiusmodi tenẽtis, qui necesse habet ostendere ius suum, mota fuerit p breue de Recto, licet Magna assisa, vel duellum iungi nõ possũt p verba cõsueta, |iũgi| tamẽ possunt per verba satis apta. Quia cum tenens in hoc quod ostendat ius suum, quod ei competet per breue quod prius impetrauit |et| sit loco actoris, bene poterit warrant defendere ius tenentis, qui loco petẽtis (vt dictum est) habet & seisinam antecessoris sui offerre & defendere per corpus liberi hominis sui, vel ponere se in magnam assisam, & petẽt inde recognitionem fieri, vtrum ipse magis ius habeat in tenemento petito, an predictus talis, vel alio modo iungi poterit magna assisa, et sic talis warrant defendẽ ius &c. Et cognoscit seisinam antecessoris sui, et ponit se

in

in magnam assisam &c.& petit recognitionem fieri, vtrum ipse manus ius habeat in predicto tenemento, vt in illo de quo feoffauit talem, vel quod talis remisit & quietum clamauit &c.an predictus talis &c.Cum aliquando contingat, quod mulier non habens [ius] petenti dotem hereditatis heredis alicuius infra etatem existen̄, impetret breue de dote super custodem, & custos per fauorem mulieris dotem reddiderit, vel defaltam fecerit, vel placitum ita fict per collusionem defenderit, per quod dos huiusmodi mulieri (in preiudicium heredꝭ) adiudicata fuerit: prouisum est quod heres, cum ad etatem peruenerit habeat actionem petendi seisinam antecessoris sui versus huiusmodi mulierem, qualem haberet versus quemcunque alium deforciatorem, ita tamen quod salua sit mulieri versus petentem exceptio ostendendi, quod ius habet in dote sua, quod si ostendere poterit, recedat quieta, & dotem suam retineat, & sit heres in misericordia, et amercietur grauiter secundum discretionem Iusticiariorum. Sin autem, recuperet heres petitionem suam. Eodem modo subueniatur mulieri, si heres vel alius eam implacitauerit de dote sua, si dotem suam per defaltam amiserit. In quo casu sua defalta non sit ei ita preiudicialis, quin dotem suam (si ius habeat) recuperare possit, & fiat ei tale breue. Precipe A quod iuste &c.reddꝭ tali quę fuit vxor talis tantam terram cum pertinentijs in C.quam clamat esse rationabilem dotem suam vel de

ratio-

rationabili dote sua, et quam predictus talis ei deforceat. Et ad istud breue habeat tenens exceptionem suam, ad ostend̃, quod mulier ius nō habet in dote. Quod si verificare poterit, recedat quietus, alioquin recuperet mulier ten̄, quod prius tenuit in dote. Et cū temporibus retroactis aliquis amisisset terram suam per defaltam, non habuit aliud recuperare quam per breue de recto, qđ eis cōpetere non potuit, qui de recto iure loqui non potuerunt, veluti tenentes ad terminum vite, vel per liberum maritagium, vel per feodum tallialum, in quibus casibus saluatur reuersio. Prouisum est quod de cetero nō sit eorum defalta eis ita prejudicialis, quin statū suū (si ius habeant) recuperare possint p aliud breue quam per breue de recto. De maritagio amisso per defaltam fiat tale breue. Precipe A. quod iuste &c. reddat B. manerium de C. cum pertin̄, qđ clamat esse ius, et maritagium suum, et qđ predictus A. ei deforc. Eodem modo de tenito ad terminū vite per defaltam amisso, fiat tale breue. Precipe A. qđ iuste &c. reddat B. manerium de C. cū pertin̄, quod clamat tenet̄ ad terminum vite sue, et quod predictus A. ei deforceat. Similiter quod clamat tenet̄ sibi & heredi suis de corpore suo legitime procreatis, & qđ predictus A. ei deforc. &c.

¶ Auowson. 1. cap. 5.

¶ Cum de aduocationibus ecclesiarum nō sint nisi tria breuia originalia, videlicet breue de recto, & duo de possessione, scz. vltime

pre-

ꝓsentationis, et quare impedit et hucusq; ꝓsentandi non habens ꝓsentauerit ad aliquam ecclesiam, cuius ꝓsentatus sit admissus, ipse qui verus est patronus, per nullum aliud breue recuperare potuit aduocationem suam, quã per breue de recto quod debet terminare per duellum, vel per magnam assisam per quod heredes infra etatẽ existẽtes p fraudem et negligentiam custodum, heredes etiã siue maiores, siue minores per negligentiam vel fraudem tenẽtium per legem Anglie, vel mulierum tenentium in dotem, vel alio modo ad terminum vite, vel annorum, vel per feodum talliatum, multociens exheredationem patiebantur de aduocationibus illis, vel ad minus (quod eis melius fuit) ponebantur ad breue de recto, et in casu omnino exheredati fuerunt hucusque. Statutum est quod huiusmodi ꝓsentationes non sint huiusmodi rectis heredibus, aut illis ad quos post mortem aliquorũ huiusmodi aduocationes reuerti | debent, |ita ꝓiudiciales quin quotienscunque aliquis ius non habens, tẽpore huiusmodi custodiarum ꝓsentauerit, vel tempore tenentium in dote p legẽ Angl, vel alio modo ad terminum vite, vel annorũ vel per feodum talliatum, in ꝓxima vacatione, postq̃ heres ad etatem peruenerit, vel aduocatio post mortem tenentium in forma ꝓdicta ad heredẽ plene etatis existẽtem reuertet, habeat eandem actionem et recuperationem per breue de aduocatione possessorium

qualem

qualem haberet vltimus antecessor huiusmodi heredis plenam hñs etatem, in vltima vacatione tempore suo accidente ante mortem suam, vel antequam diuisio facta fuerit ad terminum, vel ad feodum tallatum, vt predictum est. Idem dñsequetur de presentationibus factis ad ecclesias de hereditate dnoꝝ, tempore quo fuerunt sub potestate virorum suorum, quibus per istud statutum subueniat, per tenorem suprascriptum. Viris etiam religiosis, epis, archidiaconis, rectoribus ecclesiarum, et alijs psonis ecclesiasticis per istud idem statutum subuenitur, si aliquis ius plenarie non habens, presentauerit ad ecclesias dominus suus prelatie, dignitati aut psonatui spectantes, tempore quo vacauerint prelatie dignitatis, aut psonatus hmodi nec tamen ita large intelligat istud statutum, quod persone, ad quorum remedium statutum istud est editum, habeant recuperare suprascriptum, dicentes quod custodes, tenentes in dotem, per legem Anglie, vt alias ad terminum vite, vel annorum vel bona fide defenderint placitum per ipsos vel contra ipsos motum, quia rabida in curia regis reddit p istud statutum non admittendi seu stet iudicium in suo robore, quousque per iudicium curie regis tanquam erroneum (si error inuentatur) adnulletur, vel alias vltra mensem presentationis, vel inquisitio per quare impedit si transierit per attinctam, vel p certificationem admittetur, que ipsos contedat. Et de cetero vna forma placitandi in dicta

ultime p̃sentationis, & quare impedit, inter iustic. obseruetur, quoad hoc quod si ꝑs rea excipiat de plenitudine ecclesie per suam propriam p̃sentationem, non propt illam plenitudinem remaneat loquela, dum tamen do hꝰ intra tempus semestre impetretur, quãꝯ infra tempus semestre p̃sentationem suã recuperaꝝ nõ possit. Et quia aliqñ inter plures clamantes advocationẽ alicuius ecclesie pax fuerit formata inꝰ partes, et irrotulata coram iusticiarijs in rotulo, vel [in] fine sub hac forma quod vnus prime p̃sentet, & in sequenti vocatione alius, & in tertia tertius, et sic de pluribus, si plures sint. Et cum vnus p̃sentauerit, et habuerit suam p̃sentationẽ, quam habere debet per formam conuentionis illius, et in p̃xima vacatione impediatur ille ad quem spectat sequens p̃sentatio per aliquem qui fuit pars illius conuentionis, vel loco eius: statutum est quod de cetero non habeat huiusmodi Impeditus necesse perquirere breue de Quare impedit, sed habeat recursum ad rotulum, vel ad finem. Et si in rotulo, vel in fine comperta fuerit p̃dicta pax, vel conuentio, mandetur vic. qꝺ faciat parti impedienti, quod sit ad aliquem brevem diem continentem spatium. xv dierum, vel trium septimanarum, secundum qꝺ locus est propinquus vel remotus, ostensurꝰ (si quid sciat dicere) quare sic impeditus talem p̃sentationem suam habere non debeat. Et si non venerit, vel forte venerit, et nihil sciat dicere, quare sic impeditus p̃sentationem

suam

suam habere non debeat ratione alicui⁹ facti
post pacem factam, vel irrotulatã, vel cyro-
graphatam, recuperet presentationem suam
cum dampnis suis. Et cum contingat quod
post mortem antecessoris sui, qui ad aliquã
ecclesiam p̃sentauit personam, assignata fu-
erit illa aduocatio in dotem alicuius mulie-
ris, vel tenenti per legem Anglie, et tenen-
tes in dotem, vel tenẽtes per legem Anglie
presentauerunt, et verus heres post mortem
huiusmodi tenentium per legem Anglie, vel
in dotem, impediatur presentare, cũ ecclesia
vacauerit: Statutum est, quod de cetero sit
in electione impediti, vtrũ p̃quirere velit per
breue de Quare impedit, vel vltime p̃senta-
tionis. Hoc etiam de cetero obseruet de ad-
uocationibus dimissis ad terminũ vite, vel
annorũ, vel ad feodũ talliat. Et de cetero in
breuibus vltime p̃sentationis, et Quare im-
pedit, adiudicent dãpna, videlicet si tempus
semestr̃e transierit p impedimentũ alicuius,
ita quod eps ecclesiam cõferat, et veris pa-
tronus ea vice p̃sentationem suam amittat,
adiudicentur dampna ad valorem ecclesie de
duobus annis. Et si tempus semestre non
transierit, sed distrationet̃ p̃sentatio infra tẽ-
pus predictum, tunc adiudicent̃ dampna ad
valorem medietatis ecclesie p vnum annũ.
Et si impeditor nihil habeat, vnde restituẽ
possit dãpna, in casu qñ eps cõfert |eccle|
per lapsũ temporis puniatur p prisonã du-
orũ annorũ. Et si aduocatio distrationet̃ infra
tempus semestre, puniatur tũ impedit⁹ per

ꝓlonam dimidij anni. Et de cetero cōcedāt
breuia de capellis, prebendis, vicariis, hospi-
talibus, abbatis, prioratibus, ⁊ aliis domi-
bus que sunt de aduocationibus aliorum, q̄
prius concedi non consueuerunt. Et cū per
breue indicant, impeditur rector alicuius ec-
clesie, ad petend̄ decimas in vicina parochia,
habeat patron⁹ rectori sic impediti breue ad
petend̄ aduocationem decimarū petitarum.
Et cum distrationatum fuerit, procedat post
modum placitum in curia Christianitatis,
quatenus distrationat fuer in cur̄ regis. Cū
aduocatio descendat participibus, licet vnus
bis presentet, et vsurpet sup̄ coheredem, non
ꝓpter hoc excl̄sus sit ille in toto q̄ fuit neg-
ligens, sed alias habeat turn̄ suū p̄sentādi
cum acciderit.

¶ Voucher. 4. cap. 6.

¶ Cum quis petat ten̄ versus alium, et
implacitatus vocauerit ad warrant, ⁊ war-
rantus dedicat warrantiam, et diu pendeat
placitum inter tenentem et warrantum, cū
ad vltimum conuincatur, quod vocatus ad
warrātum warrātizare tenetur ꝑ legem et
cons. hactenus visitat, non sint ante alia pe-
na inflicta vocato, qui warrantiam dedixit,
nisi tamen quod warrātizaret, ⁊ esset in mis
quia prius non warantizauit, quod durū fu-
it petentiq̄a multotiens per collusionem in-
ter tenentem et worant̄ magnas sustinuit
dilationes. Ꝓpter quod dominus rex sta-
tuit, quod sicut tenens amitteret ten̄ petit̄
si vocasset ad warrantum, et warrātus se

posset

posset deuoluere de warrantia, eodem modo amittat warrãtus si warãtiã dedicat, & cõuincat quod warrãtizare debeat. Et si inquisitio pendeat int tenentẽ & warrantũ, et petens petat breue ad faciendũ venire ruratã, concedatur ei &c.

¶ Admensurement de dower. 1. Cap. 7.

¶ Custodi de cetero concedatur bre de admensuratione dotis. Nec per secta custodis si fiete et per collusionem sequatur, vl̃ matrem tenentem in dotem, pcludat her̃ cũ ad etat̃ puenerit ad dotem admensurandã, secundũ quod y legem Anglie fuit admensurandũ. Et tam in isto breui, quam in brĩ de admensuratione pasture, celeriorq̃ quã prius de cetero fiat processus, ita quod cum peruent fuerit ad magnã districtionem, dent dies, infra quos duo cõ teneant, ad quos publica fiat proclamatio, qõ defendens veniat ad diem in breui contentum querenti respondẽ. Ad quem diem si venerit, procedat placitũ inter eos, et si nõ venerit, et pclamatio supradicto modo per vic̃ testificata fuerit, procedatur per defaltam ad admensurationem faciendam.

¶ Admesurement de pasture. 1. cap. 8.

¶ Cum per placitum motum per breue de admensuratione pasture, pastura fuerit admensurata aliqñ coram iustic̃, aliqñ in cõi coram vic. multotiens contingit, quod post huiusmodi admensurationem actam, iterũ ponit ille, qui primo superonerauit pasturẽ, plura animalia quam ad ipsum pertinet ha-

bend̃, nec super hoc huculq; prouisū fuisset remedium statuť est quod de iecūda superoneratione fiat remedium conq̃renti sub hac forma, qđ conquerens habeat bzeue de iudicio, si coram iustič admensurata fuerit pastura, quod vič in pl̃ētia partium p̃monitarum (si interesse voluerint) inquirat de scđa supponeratione. Quc si inuenta fuerit, mandet iustič sub sigillo vič, & sigillis iuratoz̄, & vicinis adiudicent conq̃renti dāpna, et ponant in extractis valoť animaliū que superoncrant post admensurationē factā, posuit in pastura, vltra quod debuit, et extractas liberent baronibus de scaccario, vt inde respondeāt dño reg. Si in com̃ facta fuerit admensuratio, tūc ad instantiam q̃rentis ereat bzeue de cancellaria, quod vič inquirat super huiusmodi supzeroneratione, & de auerijs positis in pasturam vltra debitū numerum, vel de pzecio dño regi ad scaccarium suum r̃ndeat. Et ne vič fraudē faciat dño regi in isto casu, concordať est, qđ omnia huiusmodi bzeuia de secunda supcroncratione, que exeunt de cancellaria, irrotulentur, et in fine anni mittanť transcripta ad scaccarium sub sigillo cancellarij, vt videant thesaurarius & barones de scaccario qualič vič r̃ndeat de exitibus hm̃odi bč̃ium. Eodem mod̃ irrotulentur bč̃ia de reddisseisina, & mittantur ad scaccarium in fine anni.

¶ Mesne. 1. cap. 9.

¶ Cum capitales dñi distringunt feodum suum pzo consuetudinibus, et seruicijs sibi debitis

debitis, et medius sit qui tenentem acquietare debeat, cum non iaceat in oꝛe tenentis postquam districtionem replegiauerit, dedicere demãdam capitalis domini sui, qui aduocat in cur̃ regis iustam districtionem fieꝛi super tenentem suum, vꝫ super medium, multi ꝓ hm̃odi districtiones huiusmodi grauati extiterunt: per hoc quod medius (licet haberet ꝓ quod distringi posset) magnas fecit dilationes anteq̃ ad cur̃ ueñit ad respõdend̃ huiusmodi tenentibus suis ad vꝫe de medio, per hoc etiã quod durius fuit in casu q̃n medi⁹ nihil habuit, in casu etiã cũ tenẽs paratus esset facere capitali domino seruitia et consuetudines exactas, et capitalis dñs seruitia et consuetudines sibi debitas renuebat percipere per manum alterius quam per manum proximi tenentis sui, et sic amiserunt hm̃odi tenentes in dominico proficuum terrarum suarum aliq̃n ad tempus aliq̃n toto tẽpoꝛe suo, nec fuit antea aliquod remedium in hoc casu prouisum. Ordinatum est et prouisũ in hoc casu remedij in posterũ sub hac forma, ꝙ quam cito hm̃odi tenens in dominico habens medium inter ipsum & capitalẽ dominum distringitur, statim perquirat sibi tenens vꝫe de medio. Et si medius habẽs terrã in eodem com̃ diffugerit vsq; ad magnam districtionem, dct̃ querenti in vꝫi suo de magna districtione talis dies, ante cuius aduentum vic̃ com̃ teneantur, & precipiatur vic. quod distringat medium ꝑ magnã districtionem prout in vꝫit continetur. Et

nihilomin⁹ vic. in duob⁹ plenis com̃ ſolēp-
nit̃ proclamare faciat, qũ huiuſmodi me-
dius veniat ad diem in breui content, reſpõ-
ſurus tenenti ſuo. Ad quem diem ſi venerit,
protedat placitum inter eos modo cõuenio.
Et ſi non venerit huiuſmodi medius, amit-
tat ſeruitium tenentis ſui, & a modo non reſ-
pondeat ei tenens in aliquo, ſed (omiſſo illo
medio) reſpondeat capitali domino, de eiſd̃
ſeruitiis & conſuetudinibus que prius facere debuit pre-
dictus medius. Nec habeat capitalis domi-
nus poteſtatem diſtrẽgendi tenentes in do-
minico dum predictus tenens offerat ei ſer-
uicia debita & conſueta. Et ſi capitalis do-
minus exigerit plus quam medius ei facere
deberet, habeat tenens in hoc caſu exceptio-
nem verſ⁹ dominum quam haberet medi⁹.
Si vero medius nihil habuerit in poteſtate
regis: nihilominus perquirat tenens breue
ſuum de medio, ad vic. illius com̃ in quo diſ-
tringitur. Et ſi vic. mandauerit, quod medi⁹
nihil habeat vnde poteſt ſummoniri, nihilo-
minus ſequatur breue de attachiamento. Et
ſi vic. mandauerit, quod nihil habet q̃ quod
poteſt attachiari, nihilominus ſequat̃ breue
de magna diſtrictione & fiat proclamatio in
forma predicta. Si vero medius non habeat
terram, in com̃ in quo fit diſtrictio, ſed habe-
at terram in alio com̃, tunc exeat breue origi-
nal' ad ſummonend̃ medium̃, ad vic. illi⁹ com̃
in quo fit diſtrictio. Et cum teſtificatum fu-
erit per illum vic. quod nihil habet in com̃
ſuo, exeat breue de nidimo ad ſum̃ medium.

ad

ad vic. illius com̃, in quo testificat fuerit qđ habet ten̄, et fiat secta in illo com̃, quousq; perueniatur ad magnam districtionem et proclamationem, sicut dictum est supra de medio habente terram in eodem com̃ in quo fit districtio. Et nihilominus fiat secta in com̃ in quo nihil habet (sicut dictum est supra de medio nihil habēte) quousq; perueniatur ad magnam districtionem, & proclamationem, & sic post proclamationem in vtroque com̃ factam adiudicetur medius de seodo & seruitio suo. Et cum aliqñ cōtingat qđ tenens in dominico feoffatus est, ad tenendū de medio per minus seruitium quam medius facere debuit capitali domino, cum post huiusmodi proclamationem attornatus sit tenens capitali domino, medio omisso, necesse habet tenens respondere capitali domino de seruitiis & consuetudinibus que medius ei prius facere debuit, & postquam medius venerit in cur̄, & cognouerit, quod acquietar̄ debet tenentem suum, vel adiudicetur ad acquietandū, si post huiusmodi cognitionem aut iudicium querimonia perueniat quod medius non acquietat tenentem, tunc creat breue de iudicio, qđ vic̄ distringat medium ad acquietandū tenēt̄em, et ad ostendū coram iustic. ad certū di̇ē, ad ostendendū quare prius eum nō acquietauit. Et cum per districtionem venerit, audiatur querens. Et si querens verificare poterit, qđ ipsum non acquietauit, satisfaciat de dāpnis, & per iudicium recedat tenens quietus de suo medio, & attornetur capitali

domino

domino. Et ſi ad primam diſtrictionem non venerit, creat bñe dr alia diſtrictione, et fiat pclamatio, et poſtquã teſtificat fuerit, ꝓcedatur ad iudicium, ſicut ſuperius dictũ eſt. Et ſciendum eſt, quod per hoc ſtatutũ non excluduntur tenentes, quin habeant warrãtiam, ſi de tenementis ſuis implacitent ſup medios ſuos et eorum heredũ, ſecundũ q̃ pus habuerunt, nec etiam excluduntur tenentes, quin ſequi poſſũt verſus medios ſuos, ſecũdũ conſuetudinẽ prius vſitat, ſi viderint qõ proceſſus eorum plus valeat per antiquam conſ. quam per iſtud ſtatutum. Et ſciendum eſt, quod per iſtud ſtatutum non prouidetur remedium quibuſcunque medijs, ſed ſolum modõ in caſu cum ſit vnus medi⁹ tm̃, inter dominum diſtringentem & tenentem, & in caſu qñ medius ille eſt plene etatis, et in caſu qñ tenens ſine preiuditio alterius quam medñ attornare ſe poteſt capitali domino, qõ dictum eſt pro mulieribus tenentibus in dote, et tenentibus per legem Anglie, vel alit ad terminum vite |vel| per feodum talliatum, quibus pro aliquibus cauſis nõdum eſt p̃uiſum remedium, ſed (deo dante) alias prouidebitur.

¶ Iuſtices in eyre. 3. Cap. 10.

¶ Cum in itinere iuſtic. pclamatũ fuerit, quod omnes qui bñia liberare voluerunt, ea liberent infra certum terminum, poſt quem nullum breue reciptatur, multi de hoc confidentes, cum moram fecerint vſque ad ꝓdictum terminum, & nullũ bñe ſuper eos fuerit

liberatum

liberatis, de licentia iustic. recedūt, post quorum recessum aduersarij sui ipsorum abientiam percipientes, bzenia sua porrigunt in cera, q̄ aliqñ p̄ fauorem, aliqñ p̄ dono per vicecomitem recipiūtur, et illi, qui secure credebant recessisse, teñ sua amittant, vt huiusmodi fraudi subueniatur inposterū statuit dominus rex, qd̄ iustic. in itinerantibus suis statuant ſmiñ quindene, vel mensis, minoris vel maioris ſmint. scōz quod coñ fuerit maioz vel minoz, infra quem ſminſi publicē proclametur, quod omnes q̄ bzenia liberare voluerint, ea liberent infra terminum illum. Et in aduētu illi⁹ termini certificet, vic. capitali iustic itinerāti, quot bēia habet, & que et quod bēra illum terminum nullum bē recipiatur: quod si receptum fuerit, p̄cessus per illud factus pro nullo habeatur: excepto quod bzeue cessatum durāte toto itinere releuari poterit. Bzenia etiem d̄ dote de viris qui obierint [ad' festi] infra ſummonitionē itineris, assise vltime p̄sentationis, & quare impedit de ecclesijs vacantibus, infra ſummonitionem predictam, quocunque tempoē ante recessum iustic. recipiantur in itinere. Bzenia etiam nouę disseisine, quocunq; tēpore facta fuerit disseisina, recipiantur in utineribus iustic.

¶ Attorney. 2.

¶ Concedit dñs rex de gratia speciali, qd̄ illi qui habent teñ in diuersis coñ, in quib⁹ iustic. itinerant, vel de quibusdā teñ in coñ in quo iustic. nō itinerant tunēt implacitat,

et

& de aliis teñ in com̃, in quo iustic. non itinerant, implacitentur: vt coram iustic. apud Westm̃, vel de banco domini regis, vel coram iusticiariis ad assisas capiẽdas assignatis, vel in aliquo com̃ coꝛã vic. vel in aliqua cuꝛ̃ baroñ, facere possint generalem attoꝛnat ad pꝛosequendum pꝛo eis in omnibus placitis in itinere iustic. pꝛo ipsis vel contra ipsos motis vel mouendis, durante itinere. Qui quidem attoꝛnatus, vel attoꝛñ, habeat potestatẽ in placitis motis in itinere quousq; placitum terminetur, vel dominus suus ipsum amouerit, nec per hoc excusentur, quin sint in uuratis, et assisis coꝛam eisdem iustic.

¶ Accompt. 2. Cap. 11.

¶ De seruientibus, balliuis, camerariis, & quibuscũque receptoꝛibus, qui ad compotũ reddendũ tenentur, concoꝛdat est & statutum, quod cum dominus huiusmodi seruientẽ dederit eis auditoꝛes compoti, & contingat ipsos esse in arreragiis super compotum suũ omnibus allocatis & allocand, arrestentur coꝛpoꝛa eoꝛum, & per testimonium auditoꝛũ eiusdem compoti mittantur & liberent pꝛime gaole domini regis in pꝛtibus illis, & a vic̃ seu custode eiusdem gaole recipiantur, & carceri mancipentur in terris, & sub bona custodia, & in illa pꝛisona remaneant de suo pꝛoꝛio viuentes, quousque dominis suis de arreragiis plenarie satisfecerint. Et teñ si dis se gaole liberatus conqueratur, quod auditoꝛes compoti sui ipsũ iniuste grauauerint, onerando

ontrando ipsum de receptis que non recepit, vel non allocando et expensas aut liberationes rationabiles, et inueniat amicos, que eũ manucapere voluerint ad diem̃ coram baronibus de scaccario, liberetur eis, et fiat vic. (in cuius pr̃isona fuerit) domino quod sit coram baronibus de scaccario ad aliquem certum diem cum rotulis et alijs, per quos compotum suũ reddiderit, et in p̃sentia baronum vel auditorum, quos assignare voluerint, recitet compotus, et fiat partib⁹ iusticia, ita q̃d si fuerit i arreragijs, committat gaole de Fleete, vt supra dictum est. Et si diffugerit, et gratis compotũ reddere noluerit, sicut in alijs statutis alibi continetur, [Marlebr. cap. 23.] distringatur ad veniendũ coram iustic. ad compotum reddendũ, si habeat per quod distringi possit. Et cum ad curiam venerit, dentur ei auditores comput, coram quibus si fuerit in arreragijs, et statim arret̃ soluere non possit committat̃ gaole custodiendũ in forma p̃dicta. Et si diffugerit, et testificatum fuerit per vic. quod non sit inuent̃ exigatur de com̃ in com̃, quousq; vtlagetur. Et sit huiusmodi incarceratus irreplegiabilis. Et caueat sibi vic. vel custos eiusdem gaole, siue sit infra libertatem siue extra, quod per commune breue, quod dicitur replegiare, vel alio modo sine assensu domini ipsum a p̃isona exire non permittat, Quod si fecerit, et super hoc conuincatur, respondeat domino de dampnis per huiusmodi seruient̃ sibi illatis, secundum quod per patriam veri-

ficare

ſicare poterit, & habeat dominus ſuum recu-perare per hꝛeue de debito | versus custodē.| Et ſi custos gaole non habeat, per qō iusti-cietur, vel vnde ſoluat, respondeat ſupeꝛior ſuus q̄ custodiam huiuſmodi gaole ſibi com-miſit, per idem hꝛeue.

¶ Appelles. 5. cap. 12.

¶ Quia multi per malitiam volẽtes alios grauare, pꝛocurant falſa appella fieri de ho-micidio, & aliis felonijs, per appellatoꝛes ni-hil habentes, vnde dño regi, p falſo appello, nec appellatus de damnis, reſpondere poſſint Statutum eſt quod cum aliq̄s ſic appellat⁹ de felonia ſibi impoſita, ſe acquietauerit in cur̃ regis modo debito, vel ad ſectam appel-latoꝛis vel dominꝛ regis, iuſtic. coꝛam quib⁹ auditum erit huiuſmodi appellum et termi-natum, puniant appellatoꝛem pꝛ priſonam vnius anni, & nihilominus reſtituant huiuſ-modi appellatoꝛes damna appellatis, ſecun-dum diſcretionem iuſtic. habito reſpectu ad pꝛiſonam vel arreſtationem quam occaſione hꝛuiuſmodi appelloꝛum ſuſtinuerit appella-ti, et ad infamiam ſuam, quam per impꝛiſo-namentum vel alio modo incurrerunt, et ni-hilominus verſus dñm regem grauiter re-dimantur. Et ſi forte huiuſmodi appellatoꝛes non habeant, vnde pꝛedicta damna reſtituꝛ̃ poſſint, inquiraꝛ̃ per quoꝛum abbettum for-matum fuerit hm̃odi appellum, per malitiã, ſi appellatus hoc petat. Et ſi inueniatur per illam inquiſitionem, quod aliquis ſit abbet-tatoꝛ per malitiam, per hꝛeue de indicio, ad

ſectam

ſectam appellati, diſtringatur ad veniendum
coram iuſtic. Et ſi legittimo modo convictus
fuerit de huiuſmodi abbetto p̃ malitiam, pu-
niatur per p̃iſonam, et | tencatur ad reſtitu-
tionem damnorum, ſicut ſuperius dictum eſt
de appellatore | vide anno. 1. R. 2. ca. 13.

¶ Eſſoygne. 8.

¶ Nec iaceat de cetero appellatori in ap-
pello de morte hominis eſſonium, in quacun-
que curia | vbi | appell̃ū fuerit terminand̃.

¶ Inditements. 1. cap. 13.

¶ Quia ctiã vic. multotiens fingentes
aliquos coram eis in turnis ſuis indictatos de
furtis, et aliis malefactis, capiunt homines
non culpabiles, nec legittimo modo indicta-
tos, et eos imp̃iſonant, vt ab eis pecuniam
extorqueant, cum legittimo modo per xij. iu-
ratores non fuerint indictati: Statutum eſt
quod vic. in tornis ſuis, & alibi, cũ inquirere
habeant de malefactoribus per p̃ceptũ re-
gis, vel ex officio ſuo, p̃ legales homines ad
minus xij. faciant inquiſitiones ſuas de hu-
iuſmodi malefactoribus, q̃ huiuſmodi inqui-
ſitionibus ſigilla ſua apponant, et illos quos
per huiuſmodi inquiſitiones inuenerint cul-
pabiles capiant, et imp̃iſonent, ſecundum
quod alias fieri conſueuit. Et ſi aliquos ali-
ter imp̃iſonauerint, quam per huiuſmodi
inquiſitiones indictatos, habeant huiuſmo-
di imp̃iſonati actionem ſuam per breue de
imp̃iſonamento verſus vic. ſicut habe-
rent verſus quamcunque aliam perſonam,
qui eos imp̃iſonaret ſine warranto,

Et

Et sicut dictum est de vic, obseruet de quolibet balliuo libertatis.

¶ Waste. 5. cap. 14.

Cum de vasto facto in hereditate alicuius per custodes, tenentes in dotem, p legem Anglie, vel aliter ad terminum vite, vel annorum, consueuerit fieri bre de prohibitione vasti, per quod breue multi fuerunt in errore, credentes q illi qui vastum fecerint, non habuerunt necesse respõdere nisi tm̃ de vasto facto post prohibitionem eis directam, dñus rex (vt huiusmodi error de cetero tollatur) statuit, quod de vasto quocunq; ad nocumẽt alicuius facto, non fiat de cetero breue de prohibitione, sed breue de summonitione, ita q ille de quo queritur respõdeat de vasto facto quocunque tempore. Et si post summonitionem non venerit, attachietur, et post attachiamentum distringatur, et post districtionem, si non venerit, mãdet vic. quod in propria persona, assumptis secum̃ xij. &c. accedat ad locum vastatum, et inquirat de vasto facto, et retornet inquisitionem. Postquam retornata fuerit inquisitio, procedat ad iudiũ, secundum quod continetur in statuto prius edito apud Glor. cap. 5. de vasto. 20. E. 1.

¶ Prochein amy. 2. cap. 15.

In omni casu quo minores infra etatem implacitare possunt, cõcessum est, quod si huiusmodi minores elongati sint quo minus personaliter sequi possint, propinquiores amici admittantur ad sequend̃ pro eis, West. 1. capit. 47.

¶ Wardes

¶ Wardes 11. Cap. 16.

¶ In caſu quo alicui minori diſcendat hereditas ex parte patris, qui tenuit de uno domino, et ex parte matris que tenuit de alio domino, dubitatio huiuſque extitit de maritagio huiuſmodi minoris, ad quem de duobus dominis pertineat, concordatum eſt quod ille dominus de cetero habeat maritagium, de quo antecessor ſuus prius fuit feoffatus, non habito reſpectu ad ſexum, nec ad quantitatem tenſi ſed ſolummodo ad antiquius feoffamentum et ſeruicium militare.

¶ Eſſoine 9. Cap. 17.

¶ In itinere nullatenus non admittatur de cetero eſſoin de malo lecti, de ten in eodem comitatu, niſi ille qui ſe facit eſſoniari veraciter ſit infirmus, quia ſi excipiatur a petente, quod tenens non eſt infirmus, nec in illo ſtatu quo minus venire potuit coram iuſticiariis, admittatur eius calumpnia. Et ſi hoc per inquiſitionem conuinci poterit, ponatur illud eſſonium in defaltam. Nec faciat de cetero illud eſſonium in breui de recto inter duos clamantes per eundem deſcenſum.

¶ Execution 1. Cap. 18.

¶ Cum debitum fuerit recuperatum, vel in curia regis recognitum, vel dampna adiudicata, et de cetero in electione illius qui ſequitur per huiuſmodi debito, aut dapnis, ſequi breue quod vicecomes faciat, de terris et catallis debitoris, vel per quod vicecomes liberet ei omnia catalla debitoris (exceptis bobus et affris carucę) et medietatem terre ſue, quouſque debitum

fuerit tenat per rationabile pretium & cret Et si ejiciatur de illo ten, habeat recuperare per breue nouæ disseisinæ et postea per breue de redisseisina, si necesse fuerit.

Ordinaries 1. Cap. 19.

¶ Cum post mortem alicuius decedentis tricshati, & obligati aliquibus in debito, bona deueniant ad ordinarium disponend, obligetur de cetero ordinarius ad respondendum de debitis quatenus bona defuncti sufficiãt eodem modo quo executores respondere tenerentur, si testam fecisset.

Cosinage 1. Cap. 20.

¶ Cum Justic in placito mortis antecessoris constituerint admittere responsionem tenentis, quod petens non est propinquior heres antecessoris, de cuius morte ten petit, & hoc paratus est per assisã inquirere. Concordat est, quod in breuibus de cõsanguinitate, quo et proauo, quæ sunt eiusdem naturæ, admittatur illa responsio, et inquiratur, & secund illã inquisitionem ad judicium procedatur.

Cessauit 2. Cap. 21.

¶ Cum in statuto edito apud Glouc [ca. 4] contineat, quod si quis dimiserit terrã alicui ad redd valorẽ quartæ partis ten, vel maioris, habeat ille q dimisit, vel ei⁹ heres (post quã cessatũ fuerit a solutione per biennium) actionẽ petendi ten sic dimissũ in dominico. Eodem modo concordat est, quod si quis detineat domino suo seruitiũ debitũ & consuet p biennũ, habeat dns actionẽ petendi ten in dominico per tale breue. Præcipe N. q̃ iuste

&c.

&c. reddat B. tale ten̄, quod A. de eo tenuit p̄ tale seruitiū, & q̄ō ad p̄z̄d̄ B. reuerti d̄z, eo quod p̄dictus A. in faciend̄ p̄dictū seruitium per biennium cessauit, vt dicit. Et non solum in isto casu, sed in casu de quo fit mēcio in p̄dicto statuto Glouc. hāt breuia de ingressu heredi petent̄ sup̄ heredē tenēt & sup̄ eos quibus alienab̄ fuerit huiusmodi ten̄.

22 ¶ Cum duo vel plures tenent bosc̄, turbariam, piscariam, vel alia huiusmodi in cōi absq; hoc quod aliquis sciat sua sep̄arale & aliquis eorum faciat vastū contra voluntatem alteri⁹, moueatur actio per bre de vasto. Et habeat defendēs, cū ad iudicium venerit, electionem capiendi partē suam in certo loco per vic. & p̄ visū & sacrm, ac assignationem vicinoz̄ ad hoc elect̄ & iuratoz̄, vel quod concedat q̄ nihil captat de cet̄o in huiusmōdi bosco, turbaria, & alīs, nisi secundū quod partic̄es sui capere voluerint. Et q̄ eligat capere partē suam in certo loco, assignetur ei locus vastatus in suam partē, secūd quod fuit ant̄eq̄ vastū fecit. Et est tale bre in hoc casu, sc̄z cum A. & B. tenent bosc̄ p̄ indiuiso B. fecit vastum &c.

¶ Executors. 1. Cap. 23.

Et habeant de cetero executores bre de cōpoto, & eandem actionem, & p̄rocessum per illud breue, quale habuit mortuus, & haberet si vixisset.

¶ Nusance 1. Cap. 24.

In casibus in quibus conceditur breue in Cancellaria de facto alicuius, de cetero

non recedant querentes a cur̃ regis sine remedio, pro eo q̃ ten̄ transferr̃ de uno in alium. Et in registro de cancellaria non est inuentum aliq̃ br̃e in isto casu speciale, sicuti de muro, domo mercato concedit̃ breue super eum q̃ leuauit ad nocumẽtum. Et si trãsferatur domus, murus, & his similia in aliã personam br̃e non deneget̃, sed de cetero cũ in uno casu conceditur breue in consimili casu simili remedio indigente, sicuti prius, fiat br̃e. Quæstus est nobis A. quod B. iniuste &c. leuauit domum, murũ, mercatum, & alia que sunt ad nocumentum liberi ten̄ sui. Et si huiusmodi leuata ad nocumentum transtulerit̃ in aliã personam, de cetero fiat breue sic Quæstus est nobis A. q̃ B. & C. leuauerunt &c.

¶ Quod permittat. I.

¶ Eodem modo sicut persona alicuius ecclesie recuperare potest cõmuniam pastuũ p breue nouæ diss. eodem modo de cetero recuperet successor super dissesitorẽ vel eius heredem, per breue, quod permittat, licet huiusmodi breue prius in cancellaria non fuerit concessum.

¶ Iuris vtrum. I.

¶ Eodem modo sicut conceditur breue, vtrum aliquod ten̄ sit libera elemosina alicuius ecclesie, vel laicũ feod̃ talis fiat de cetero breue vtrũ sit libera elemosina talis ecclesie, vel alterius ecclesie, in casu quo libera elemosina unius ecclesie transferatur in possessionem alterius ecclesie.

¶ Writtes

¶ Writtes. 2.

¶ Et quotiens cunque de cetero euenerit in cancellar̃, quod in vno casu reperit̃ breue, et in consimili casu cadente sub eodem iure, et simili indigente remedio non reperit̃, cõcordẽt clerici de cancellaria in breue faciendo, vel adterminent querentes in proximum parliamentum, & scribantur casus in quibus concordare non possunt, & referant eos ad proximum parliamentum, & de cõsensu ministerii fiat breue, ne contingat de cetero quod curia dñi regis debeat conquerentibus iustitia perquirenda.

¶ Assise 6. Cap. 25.

¶ Quia non est aliquod breue in Cancellaria, per quod querentes h̃ habẽt tam festinũ remedium, sicut per breue nouæ disseisinæ, dominus rex voluntatem habens vt celeris fiat iustitia, & quod dilationes in placit̃ cõmuni imminuantur et abbreuientur, concedit q̃d breue assise no. disseisinæ locũ habeat in pluribus casibus quam prius habuit. Et cõceditur quod de essoniis bosci, proficuo capiendo in bosco, de nucibus, et glãdib⁹, & aliis fructibus colligendo, de eorrodio, liberatione bladi, & aliorum victualium, ac necessariorũ in certo loco annuatim recipiẽdo, tolneto, tronagio, passagio, põtagio, pannagio, & hijs similibus in certis locis capiendo, custodijs boscorum, parcorum, forestarum, chascarum, warrennarum, portarum, & alijs ballliuis, & officijs in feodo, iaceat de cetero assisa no. dis. Et in omnibus supradictis casib⁹ modo cõ-

sueto fiat breue de libero ten̄. Et sicut prius iacuit, & locū habuit in cōmunia pasture; ita de cetero locū habeat in communia turbarie, piscarie, & alijs communis̄ his similib⁹, quas quis hz pertinentes ad liberum ten̄, vel etiā sine ten̄ per speciale factum, ad min⁹ ad terminum vite. In casu etiam quando quis tenens ten̄ ad terminum annoz̄, vel in custod̄ illud alienat in feod̄, & p illam alienationem transfertur liber⁹ ten̄ in feoffatum, fiat remedium per breue noue diss. et habeantur pro dissesitoribus tam ille q̄ feoffat, quam feoffatus, ita quod viuente altero eoz̄ locū habeat predictum breue. Et si p mortem p̄sonarum cesset remedium per predictum br̄e fiat remedium per br̄e de ingressu. Et vbi superius fiat mentio de aliquib⁹ casibus de quibus locum non habuit prius breue noue disseisine, non propter hoc credet aliq̄s illud breue non competere, vbi prius competerat. Et licet dubitauerint quidam, vtr̄ in casu quo quis pascat alteri⁹ seperale, fieri poterit remedium per predictum breue, teneatur p̄certo, q̄ in casu illo p predictum breue bonū & certum est remedi⁹. Caueāt de cetero illi q̄ nominati s̄nt dissesitores, q̄d nō ꝓponant falsas exceptiones, per quas captio assise differatur, dicēdo quod alias transiuit assisa de eodem ten̄ inter eosdem partes, vel dicendo & mentiendo, quod breue de altioz̄ natura pēdet inter eosdem partes d̄ eodem ten̄, et sup̄ his & consimilibus vocent rotulos, vel recordum ad warrantum, vt per illam vocatiōnem

onem aſportare poſſint bellurã, & leuare red-
dit⁹ et alia proficua ad magnum detrimen-
tum querentis. Et quia prius aliam primã
nõ habuit, qui hmodi falſas exceptiones
mendaciter proposuit, niſi tantum quod poſt
mendatium ſuum cõuictum proceſſum fuit
ad captionem aſſiſe. Domin⁹ rex, cui odioſe
ſunt hmodi falſe exceptiones, ſtatuit qõ
ſi quis diſſeiſitor nominatus perſonaliter p-
ponat illam exceptionem ad diem ſibi datum
& diſcerit de warranto quod vocant, habe-
atur pro diſſeiſitore abſq; recognitione aſſiſe,
& reſtituat dãpna pri⁹ inquiſita, vel poſt in-
quirenda de duplo, & nichilomin⁹ pro falſita
te ſua puniatur per priſonam vni⁹ anni. Et
ſi illa exceptio proponatur per ballitum, nõ
propter hoc differatur captio aſſiſe, nec iudi-
cium ſuper reſtitutione teñ, & dampnñ. Ita
tamen, qõ ſi dñs illi⁹ ballii, qui abſens fue-
rit, poſtmodũ veniat coram iuſtic̃, qui aſſiſã
ceperint, & offerat verificare p recordñ, vel p
rotulos, quod aſſiſa alias tranſiit de eodẽ
teñ inde inter eosdem partes, vel qõ querẽs
alias ſe retraxit de vno conſimili, vel placit
pendeat per breue de altiori natur̃: ſiat ei dẽc
de faciendo venire ſuper hoc recordum. Et
cũ illud habuerit, & vocent Juſtic̃, qõ re-
cordum ita ei miſſum valeret ante iudic̃, q
p illud excluderetur querens ab actione ſua,
ſtatim faciant iuſtic̃ ſcir̃ parti, q̃ prius recu-
perauit, qõ ſit ad certum diem, ad quem re-
habeat defendens ſeiſinam ſuam, & dampna
ſi que prius ſoluit per primum iudicium ſi-

mul cum dāpnis que habuit post primū illi-
dicium redditum, que ei restituantur in du-
plo, sicut supradictū est: & nihilominus pūni-
atur ille qui primo recuperauit, per prisonā
secundum discretionem iusticiariorum. Eo-
dem modo si defendens contra quē transiit
assisa, in sua ablentia ostendat chartas, vel
quicq; claus, super quarum confectione non
fuerunt iurat examinat, nec examinari pote-
runt, pro eo quod de eis non fiebat mentio in
placitandō, et probabiliter ignorare potuerūt
confectionem huiusmodi scriptorum: Iusti-
bilis scriptis illis faciant scire parti, que re-
cuperauit, quod sit ad certum diem coram eis
& venire fac iurat ciuldē assise. Et si per ve-
redictum iuratorum, vel forte per irrotula-
mētum scripta illa verificauerint, puniatur
ille, qui assisam impetrauit contra factū suū
per penam supradictam. Nec capiat vit de
cetero bouem a disseisito, sed a disseisitore
tātum. Et si plures sint disseisitores in vno
breue nominat, nihilominus de vno boue sit
contētus: nec exigat bouem nisi de precio v.
s. vel precium.

¶ Redisseisine. 3. Cap. 26.

¶ In bricubus de redisseisina adiudicētur
de cetet dāpna in duplo: & sint redisseisito-
res de cetero irreplegiabiles per commune
breue. Et sicut in statut de Merton [ca. 3.]
promissum fuit illud breue de his qui disseisi
fuerunt, postquam recuperauerunt per assi-
sam noue disseisine, mortis antecessoris, aut
per alias iuratas: vlterius de cetero habeat
illud

ſihid breue locum in illis qui recuperauerint per defaltam, redditionem, aut alio modo ſine recognitione aſſiſarum vel iuratarum.

¶ Eſſoine. 10. Cap. 27.

¶ Poſtquam aliquis poſuerit ſe in inquiſitionem aliquam ad proximum diem, allocetur ei eſſonium, ſed ad alios dies ſequentes per eſſonium non differatur captio inquiſitionis ſiue prius habuit eſſoñ ſiue non. ¶ Nec admittatur eſſoñ poſt diem dat̃ p̃cc partium in caſu in quo partes conſentiunt venire ſine eſſon.

¶ Eſſoine. 11. Cap 28.

¶ Cum per ſtatutum Weſtm̃ ſ̃pmer ca. 41. ſtatuatur quod poſtquam tenentes ſemel comparuerint in curia, non allocetur eis eſſoñ in breuib⁹ aſſiſarum: eodem modo de cetero obſeruetur de petentibus.

¶ Oyer & terminer. 1. Cap. 29.

¶ Breue de tranſgr̃ ad audiendũ & terminandũ, de cetero non concedatur coꝝ̃ aliquibus Juſtic̃, excepꝫ iuſtic̃ de vtroꝫ banco, & iuſtic̃ itinerant̃, niſi p̃o cnoꝛmi tranſgr̃ bbi neceſſe eſt apponere ſ̃ſtinum remedium Et dñs rex de gratia ſua ſpeciali hoc durit concedendũ. ¶ Nec etiam de cetero concedatur breue ad audiendum & terminãdum appella coꝝ̃ iuſtic̃ aſſigñ, niſi in ſpeciali caſu, & certa cauſa cum dominus rex hoc p̃ceperit. Sed ne hyuſmodi appellati, vel indictati diu detineant̃ in p̃ſona, habeãt breue de odio & atia ſicut in Magna Charta ſca. 26. & aliis ſtatutis

tutis dictum est. |W.1.ca.11.Glos.ca.9.|

¶ Nisi prius. 1. Cap. 30.

¶ Assignentur de cetero duo iustic̃ iurati, coram quibus, & non alijs capiantur assise no. disseisine, mortis antecessoris, & attincte, & associent sibi duos, vel vnum de discretioribus militibus com̃ in quẽ venerint, & capiant assisas predictas, & attinctas, ad plus ter per annũ, videlicet semel inter quindenã sãcti Johãnis Baptiste, & gulam Augusti et iterum inter festum Exaltationis sancte Crucis, & Octabis sancti Michaelis, & tertio int festũ Epiphani, & festum Purificationis beate Marie. Et in quolibet comitatu ad quamlibet captionem assise, antequam recedãt, statuant diem de reditu suo, ita quod omnes de com̃ scire possint eorum aduentũ & de termino in terminũ adiournẽt assisas. Si per vocationem warranti, per essoñ, vel per defectum recognitorum, ad vnum diem |ceptis earũdẽ differatur. Et si aliqua| causa viderint quod vtile sit, quod assise mortis antecessoris per essoñ vel vocationem warranti respectuate adiournent in banco, liceat eis hoc facere, & tũc mittant iustic̃ de bãco recordum, cũ breue originali. Et cum loquela peruenerit ad captionem assise, remittatur loquela cũ breui originali p. Justic̃ de banco, ad priores iustic. coram quibus capiat assisa. Sed de cetero dent Justic. de banco in huiusmodi assisis ad minus quatuor dies per annũ, coram̃ prefat iustic. assignãdos, vt parcant laboribus et expensis. Determinentur in-

inquisitiones capiend̄ de trāsgr̄ placitat̄ coram iustic. de vtroꝝ banco, nisi ita enormis sit trāsgr̄, qd̄ magna indigeat examinatione. Atterminent etiā inquisitiones coꝝ eis de aliis placitis placitatis in vtroꝝ banco, in quibus facilis est examinatio, vt qñ dedicit ingressus, vel seisina alicuius, vel in casu qñ de vno articulo sit inquirend̄. Sed inquisitiones de grossis & pluribus articulis, q̄ magna indigeant examinatione capiantur coram Justic. de banc. nisi ambe partes petant, q̄ inquisitio capiatur coram aliquibus de societate, cū in partes illas venerint, quod de cetero non fiat nisi per duos Justic. vel vnū q̄ aliquo milite de com̄, in quem partes cōsentiunt. Nec atterminentur huiusmodi inquisitiones coram aliquib⁹ Justiciarijs de banco, nisi statuat certus dies & loc⁹ in com̄ in p̄sentia partium, & dies & locus inser̄tur in breui de inditio per hec verba. Precipim⁹ tibi qd̄ venire fac. coram Justiciarijs nostris apud Westm̄ in octab. sancti Michaelis, nisi talis et talis die et loco ad partes illas venerint &c. Et cum huiusmodi inquisitiones capte fuerint, retorn̄entur in bancis, et ibi fiat iudicium, et irrotulentur. Et si omissa forma p̄dicta aliquę inquisitiones capiantur, pro nullis habeantur, excepto quod assise vltime p̄sentationis, et inquisitiones super Quare impedit atterminentur in proprio com̄ coram vno Justic. de banco, et vno milite, ad certos tamen diem & locum in banco statutos,

et

et siue defendens consentiat siue non: & ibi statim reddat iudicium. | vide 12. E. 2. stat. Eboru. ca. 3. | Habeant de cetero omnes iustic̃ de bancis in itineribus clericos irrotulãtes omnia placita coꝝ eis placitat, sicut antiquitus habere consueuerunt. Item ordinat est, quod Iustitiarij ad assisas capiẽd assignat non compellant iuratores dicere precise, si sit disseisina vel non, dummodo dicere voluerint veritatem facti, & petere auxilium iustic̃. Sed si spõte velint dicere, qõ disseisina est, vel non, admittatur coꝝ̃ veredictum sub suo periculo. Et de cetero non ponant iustic̃ in assisis, aut iuratis aliquos iurat, nisi eos qui ad hoc prius fuerunt sum̃ | de finibus levatis. 27. E. 1. cap. 4. |

¶ Exception. 1. Cap. 31.

¶ Cum aliquis implacitat coꝝ̃ aliquib⁹ iustic̃, proponat exceptionem, et petat quod iustic̃ eam allocent: quam si allocare noluerint, & ille qui exceptionem proposuerit, scribat illam exceptionem, et petat quod iustic̃ sigillum suum appon̄ in testim̃, Iusticiarij apponant sigilla sua. Et si vn⁹ apponẽ noluerit, apponat alius de societate. Et si forte ad querimoniam de facto Iusticiariorum veniret fac̃ dñs rex recordum coram eo, et si illa exceptio non inueniatur in rotulo, & querens ostẽdat exceptionem scriptam sub sigillo iustic̃ appenso, mandetur Iusticiario, quod sit ad certum diem ad cognoscend̄ sigillum suum, vel ad dedicendum. Et si iustic. sigillum suum dedicere non possit, procedatur

datur ad iuditium secundum illam exceptionem prout admittendo esset vel cassando.

Mortmaine 2. Cap. 32.

¶ Cum viri religiosi, & aliæ personæ ecclesiastice implacitent aliquem, et implacitatus fecerit defaultã, ob quam tenẽ amittere debeat: quia iudicẽ huiusmodi tenuerũt, quod si implacitat⁹ fecerit defaultam per collusionem, vt cum petens occasione statuti de Religiosis anno 7. E. 1. per titulum doni, vel alterius alienationis, seisinam de tenẽ consequi non posset, per illam defaltam consequeretur, et sic fieret fraus statuto: Ordinat est per dominum regem, & concessum in hoc casu quod post quã defaulta facta fuerit, inquiratur per patriam, vtrum petens habeat ius in sua petitione vel non. Et si compertum fuerit, qd̃ petẽs ius habuerit, procedatur ad iudicium pro petente, et recuperet seisinam suam. Et si ius non habuerit, incurratur tenẽ proximo domino feodi, si illud petat infra annum a tempore inquisitionis capte. Et si infra annum non petat, superiori domino incurratur si petat infra dimidium annum post illum annum. Et sic habeat quilibet dominus post proximum dominum, spacium dimidij anni ad petendum, successive, quousque perueniatur ad regem, cui ad vltimum pro defectu aliorum dominorum tenẽ incurratur. Et ad calumpniandum iuratores inquisitionis, admittantur quicunq; capitales domini feodorum, et similiter pro rege qui calumniare voluerint. Et remaneat terra, postquã iudicium datum

datum fuerit in manu domini regis quousq; ten̄ per petent̄, vel per aliquem capitalē dñm' distrationetur, & oneretur vic̄ ad respondend̄ inde ad scacarium.

Crosses 1. Cap. 33.

¶ Quia multi tenentes erigunt cruces in ten̄tis suis, aut erigi permittunt, in p̄iudicium dominorum suorum, vt tenentes p̄ priuileḡ templariorum & hospitaliorum tueri se possēt contra capitales dominos feodorum. Statutū est quod huiusmodi ten̄ capitalibus dñis, aut regi incurrantur eod̄ mod̄ quo statut alibi de tenement̄ alienat̄ ad manum mortuā / de Religiosis 7. E. 1.

¶ Rape 2. Cap. 34.

¶ Durucēw est que si home rauist feme espouse, damesell', ou auter feme de lour mes, per la ou el ne sout assentus, ne auant ne apres, est iudgement de vie et de membre. Et ensement per la ou hōe rauist feme dañ espouse damsell', ou auter femme a force, tout sout q̄ el soy assent apres, est tiel iudgement come deuant est dit, si sout attaint a le suit le roy, & la est le roy la suite. De mulieribus abductis cum bonis virorum suorum, habeat rex sectam de bonis sic asportatis. Et vxor si spōte reliquerit virum suum, et abierit, & mortē cum adultero suo, amittat in perpetuū accionem petendi dotem suam, que ei competere posset de ten̄ viri sui, si super hoc cōuincatur nisi vir suus sponte, & absq; cohertione ecclesiastica eam reconciliet, et secum cohabitare permittat, in quo casu restituatur ei acto.

Qui

Qui monialē a domo sua abducat, licet monialis consentiat, puniatur per prisonam trium annorum, et satisfaciat demum a qua abducto fuerit, competenter: | & | nihilominꝰ reddimatur ad voluntatem regis.

¶ Wardes 12. Cap. 35.

¶ De pueris masculis, siue femellis (quorum maritagiū ad aliquē pineat) raptis et abductis, si ille qui rapuit nō habens unde ui maritagio, licet postmodū restituat pueru nō maritat, vel de maritagio satisfecerit, puniat tamē pro transgē per prisonam duorum annorum. Et si non restituerit, vel heredē post annos nubiles maritauerit, & de maritagio satisfacere non potuerit, abiuret regnū, vel habeat perpetuam prisonam. Et super hoc habeat querēs tale breue. Si A. fecerit te securū &c, tunc pone p vad &c. B, q sit coram iustic nostris &c. ostens. quare talem heredē infra etat existē, cuius maritagiū ad ipsum A. pertinet, apud C. inuentum, tali loco rapuit, & abduxit contra voluntatem ipsiꝰ A. & cōtra pacem &c. Et si heres sit in eodem comitatu tunc addat ista clausula Et diligenter inquiras vbi ille heres sit in ballliua tua | et | ipsū vbicūq; inuēt fuerit capias, & saluo & secure custodias, ita qd cum habeas coram prefat iustic nostris ad prefatum terminum, ad reddendū cui predictorū A. & B. reddi debeat. Et fiat secta versus partem, de qua queritur, quicunque per districtionem venerit, si habeat per quod distringi poterit, vel per contumatiam (si non sit iusticiabilis) exigat, & vtlagetur.

Si

Si forte huiusmodi heres ducatur, & transferatur in aliū cōm, tunc vic illius cōm fiat tale breue sub hac forma: Questus est nobis A. quod B. nuper talem heredem infra etatē & in custodia tua existentē, tali loco in cōm tali rapuit, et de comitatu illo ad talem locum in comitatu tuo abduxit, contra voluntatem ipsius A. & contra pacem &c. Et ideo tibi p̄cipimus, q̄ p̄dictum heredem, vbicunque eū in ballliua tua inuenire poteris, capias, & saluo & secure eum custodias, ita quod eū habeas coram iusticiarijs nostris &c. tali loco & die, quē diem A. habet versus p̄dictum B. ad rodendū cui de iure reddi debeat. Et si heres anteqū inuentus fuerit, vel anteqū restituatur querenti, obierit, nihilominus p̄ceedat placitū inter eos, quousq̄ terminet, cui restitui deberet, si superstes fuisset. Nec excusabit aut alienabit ille, q̄ iniuste rapuit hmōdi heredē de pena supradicta per mortem heredis, cuius extitit male fidei possessor dū vixit. Et si querens obierit ante placitum terminat, si quis ei competebat ratione & tempore feodi sui, resummoneat loquela ad sectam heredū q̄rentis, & p̄ceedat placitū debito ordine. Si vero q̄ alium titulū competat ei quis sicut titulo donationis, venditionis, aut alio hmōdi titulo tunc resummoneat loquela ad sectam executorum querentis, et p̄ceedat placitum vt p̄dictum est. Eodem modo si moriatur pars defendens antequā placit terminet, vel heres restitui debeat, p̄ceedat placitum per resum inter querentem, vel eius heredem, seu

executo-

executores, & executores defendentis, vel eiꝰ
heredes si executores non sufficiant, quoad
satisfactionem de valore maritagii secundū
quod in aliis statutis continet, sed non quo
ad penam prisone, qꝫ quis pro alieno facto
non est puniendus. Eodem modo cum pen-
deat placitum inter partes de custodia terre
vel heredis, vel utriusque p̃ com̃ bre, qꝫ inci-
pit Precipe tali &c. quod reddat &c. fiat reſiũ-
monitio inter heredes & executores querent-
is, & similiter heredes aut executores defẽ-
dentis, si mors alteram partem preueniat
ante placitum terminatum. Et cum perue-
niatur ad magnã districtionem, dek̃ termi-
nus, infra quem tres com̃ tenenk̃ ad min⁹,
in quorum quolibet com̃ fiat publica pcla-
matio qõ deforciator venit ad bancum, ad
diem in breui contentum, respons̃ur⁹ querẽti
Ad quem diem si non venerit, & proclamatio
sic fuerit, secũdo & tertio rectificak̃ fuerit, p-
cedatur ad iudicium pro querente, saluo iure
defendenk̃, si postmodum inde loqui voluerit.
Eodem modo fiat in breue de transgr̃, cum
quis queritur se eiectum fuisse de huiusmodi
custodia.

¶ Procurements. I. cap. 36.

¶ Quia domin cur̃, & alii q̃ cur̃ tenẽt, et
senescalli, volẽtes grauare subditos suos, cũ
nõ habeant legalem viam eos grauandi, p-
curant alios mouere querelas versus eos, &
dare vadium, & offerre plegios, vel impetrãt
breuia, & ad sectas hũdi querentium com-
pellunt eos sequi com̃, hundred̃, wapenta-

chium, & cuĩ, quousq; finem fecerint cum ipsis pro voluntate sua, statutum est, qõ hoc de cetero non fiat. Et si quis per huiusmodi falsas querimonias fuerit attachiat⁹, replegiet districtionem suam sic captam, co pam fac. loquelam coram iustic. coram quibus si vic. vel alius balliuus, vel dñs, postq̃ sit districtus fecerit querimoniã suã, aduocauerit instã districtionẽ ratione huiusmodi querimoniarũ coram eis factarũ, & replicet, qõ huiusmodi querimonie mouebantur versus eos malitiose ad instantiã seu procurationem vic. aut aliorum balliuorum aut dominorũ, admittatur illa replicatio. Et si sup hoc cõuicti fuerint, versus dñm regem redimant, & nullus dominus huiusmodi sic grauatis damna in triplo restituant.

¶ Distresses. 8. Cap. 37.

¶ Quia etiam balliui, ad quos ex officio pertinet districtiones facere, grauare volentes subditos suos, vt ab eis pecuniam extorqueant mittũt ignotos ad faciendũ districtiones, ea intentione, vt subditos grauare possint per hoc quod sic districti non habentes notitiam personarum nõ permittunt huiusmodi districtiones super eos fieri. Statutũ est quod nulla districtio fiat nisi per balliuos notos & iurat. Et si alio modo districtiones fecerint, & de hoc conuicti fuerint, si grauati breue de transgr impetrauerint, restituãt grauatis dãna alias in triplo & versus regẽ grauiter puniantur.

Iurrours

¶ Quia etiam vic. hũdredarij, & ballini libertatum consueuerant grauare subdit suos, ponendo in assisis & iuratis homines lãguidos, & decrepitos, perpetua vel tempozali infirmitate languentes, homines etiam tempoze summonitionis suc in pria nõ commorantes, summonẽdo etiam cũrmatam multitudinẽ iuratozũ, ita vt a dbusdã eos in pace dimittendo pecuniam extozqueant, & sic fiunt assise & iurate multotiẽs p pauperiozes, diuitib⁹, pzo suo dando, domi cõmozantibus. Statutũ est, qõ de cetero non sũmoneantur in vna assisa plures q̃. xxiij. Senes etiam, videlicet vltra. lxx. annos, perpetuo lãguidi, vel tempoze sũmonitionis infirmi, vel in patria non cõmozantes, non ponant in iuratis vel minozibus assisis. Nec etiã ponãt in assisis vel iuratis, iuxt un pzopzio cõm capi debeant aliqui, qui minus ten̄ habeant quã ad valentiam viginti solidozum per annum. Et si huiusmodi assise, & iurat, extra com̃ capi debeant, non ponantur in eis aliqui q̃ minus ten̄ habeant quam ad valentiã quadzaginta solidozum per annum, illis exceptis qui testes sũt in chartis, vel aliis scriptis, quozum pzesentia necessaria est, dum tamen potentes sint ad laborãd. Nec debet istud statutum extendi ad magnas assisas, in quibus opoztet aliquando ponere milites in patria non residentes, pzopter paucitatem militum, dum tamen ten̄ habeant in com̃. Et si vic. vl' subballini sui, vel ballini libertatum, contra

q' non ꝑ pos q

istud statutum in aliquo articulo venerint, & super hoc convincantur, restituãt dãna grauatis & nihilominus sint in misericordia domini regis. Et habeant iustic. ad assisas capiẽd assign̄, cum in com̃ venerint potestatem audiendi querimonias singulorum conquerentium, quoad articulos in isto statuto cõtentos, et iusticiam in forma predicta exhibend̄. | 21. Edwardi primi de ponendis in Assisis.

¶ Retorne of shirifes. 1. Cap. 39.

¶ Quia iusticiarij (ad quorũ officiũ spectat vnicuiq; coram eis placitãti iusticiam exhibere) frequentius impediuntur, quo minus officium suum debito modo exequi possint, p hoc quod vic. breuia originalia et iudicialia non retornant, per hoc etiam quod ad breuia domini regis falsum retornant responsum. Prouidit dominus rex et ordinauit, qõ illi qui timent malitiam vic. liberent breuia sua originalia et iudicialia in pleno com̃ vel | in | retro com̃, vbi fit collatio denariorũ dñi regis & capiatur billettum de vic. presente, vel subuic̃, in quo billette contineantur nomina petentium et tenent̃ in breui nominat̃, & ad requisitionẽ illius qui brẽ liberauit, apponat billetto sigillum vic. vel subuic. in testim̃ & fiat mẽtio de die liberationis breuis. Et si vic. vel subuic. huiusmodi billetto sigillum suum apponere noluerit, capiatur testimonium militum et aliorum fide dignorũ qui presentes fuerint, qui sigilla sua huiusmodi billetto apponant. Et si vic. breuia sibi liberat̃ non retornauerit

tꝛnauerit et ſuper hoc ad iuſticiarios perue-
niat querimonia, mandetur per bꝛeue de iudi-
cio iuſtic. ad aſſiſas capiendas aſſigñ, qꝫ in-
quirent per eos qui pꝛeſentes fuerint, qñ bñ
vic. liberatum fuit, ſi ſciuerint de illa deliue-
ratione, et inquiſitio returnetur. Et ſi com-
pertum fuerit per inquiſitionem, quod bꝛeue
fuit ei liberat̃, adiudicentur querenti vel pe-
tenti damna, habito reſpectu ad qualitatem
et quantitatem actionis, & ad periculum qꝫ
ei euenire poſſet per dilationem quam pati-
batur. | Anno 2. E. 3. ca. 5 apud Not. | Et p
iſtam viam fiat remedium quando vic. reſpõ-
det, quod bꝛeue adeo tarde venit, quod pꝛecep-
tum regis exequi non potuit. Multotiẽs etiã
capiunt placita dilationes per hoc quod vic.
reſpondet, quod pꝛecepit balliuis alicuius li-
bertatis, qui nihil inde fecerunt, et nominet
libertates que nunq̃am retoꝛnum bꝛeuium
habuerunt. Pꝛopter quod, oꝛdinauit dom̃us
rex, quod theſaurarius & baroñ de ſcaccario
liberent iuſticiarijs in rotulo oẽs libertates
in quibuſcunqꝫ coñ qui habent retoꝛnum bꝛe-
uium. Et ſi vic. reſpondet qꝫ mandauit bal-
liuo alterius libertatis, qua alicuius cõtente
in pꝛedicto rotulo, ſtatim puniatur vic. tanq̃
exheredatoꝛ regis et coꝛone ſue. Et ſi forte
reſpondeat quod mandauit balliuis alicuius
libertatis, qui beneficiter retoꝛnum habent | qui
nihil inde fecit | mandetur vic. quod nõ omit-
tat pꝛopter aliquam libertatem pꝛedictam,
quin exequatur pꝛeceptum domini regis, et
quod ſcire faciat balliuis, quib9 fecit returnũ

quod sint ad diem in breui contentum, ad respondendū, quare de precepto domini regis execucionem non fecerint. Et si ad diem venerint, et se acquietent, quod returnum breuis non fuit eis factum, statim condēpnetur vic. domino illius libertatis, & similiter parti lese per dilacionem in restitucionem dampnoꝝ. Et si ad diem non venerint balliui, vel venerint, et supradicto modo se non acquietauerunt, in quolibet breui de iudicio, quam diu durat placitum, capiatur vic. quod nō omittat propter libertatem. &c. Multociens etiā vic. ballium dant responsum, quoad illum articulum quod de exit &c. mandantes aliquādo et mentientes, quod nulli sunt exitus, aliquando quod parui sunt exitus, cum de maioribus respondere possint aliquando nō facientes mencionem de exit. Propter qō ordinat est et cōcordatum, quod si querens petat additum responsionis vic. concedatur ei. Et si offerat verificare, quod vic. de maioribus exitibus regi respondere potuit; fiat ei breue de iudicio ad iustic. ad assisas capiendū assignatos quod inquirant in presentia vic. si uteresse voluerit, de quibus & quantis exit vic. respondere potuit a die impetrationis brīs vsque ad diem in breui contentum | al'receptionis vide ℔. 27. H. 8. ca. 10. f. 3. & ℔. 20. H. 6. ca. 10. fo 25. | et cum inq̄sitio retornata fuerit, si de pleno prius non responderit, oneretur de superplusagio per extractas iustic. liberatas ad scaccarium, et nihilominus grauiter amerciatur pro concelamento. Et sciat

vic

vic̃, quod redditus, blada in grangia, & omnia mobilia, prec̃ equitaturam, indumenta, & vtensilia domus cõtinentur sub nomine equitium, Et precepit dominus rex, qõ vic̃ pro huiusmodi falsis respõsionibus semel et iterum (si sit necesse) per turtic̃ castigentur. Et si tertio deliquerent, alius non apponi mansi quam dominus rex. Multociẽs etiam falsũ dant responsum, mandando quod non potuerunt [exequi] preceptum regis ppter resistentiam potestatis alicui⁹ magnatis, de quo caueat vic̃ de cetero, quia huiusmodi respõsio multum redundat in dedecus domini regis et corone sue. Et quam cito subballiui sui restituẽtur, qõ inuenerũt huiusmodi resistentiam, statim (omnibus omissis) assũpto secum posse com̃ sui, eat in propria persoñ sua ad faciend̃ executionem. Et si inueniat subballiuos suos mendaces, puniat eos per pisonam, ita quod alij per eorum penã castigẽtur. Et si inueniat eos veraces, castiget resistentes per pisonam, a qua non deliberetur sine sp̃ciali precepto domini regis. Et si forte vic. cum venerit, resistentiã inuenerit, certificet cur̃ de nominibus resistentiũ, qui fuerint in, consentientiũ, precipientium et fautorum, et per breue de iudicio attachiend̃ huiusmodi per corpora, ad veniendũ ad cur̃ regis. Et si de huiusmodi resistentia conuincantur, puniantur secundum quod domino regi placuerit. Nec intromittat se aliqs minister domini regis de pena

huiusmodi infligenda, quia dominus rex hoc sibi specialr reseruat, pro eo quod huiusmodi resistentes censentur pacis siue & regni pturbatores. | 13. E. 1. de mercatorib⁹ articuli super charias. ca. 16.

¶ Age. 4. Cap. 40.

¶ Cum quis alienatus uxoris suc, concordat est, qd̃ de cetero secta mulieris, aut eius heredis non differatur post obitum uiri per minorem etatem heredis, q̃ warrantizare dz, sz expectet emptor (qui ignorare non debuit quod ius alienum emit) usque ad etatem warranti sui, de warrantia sua habenda.

¶ Contra formam collationis. 1. cap. 46.

¶ Statuit dominus rex qd̃ si abbates, priores, custodes hospitalium, et aliarñ domorum religiosarum fundatarum ab ipso, uel a progenitoribus suis, alienauerint d̃ cetero ten̄ domibus ipsis ab ipso uel a progenitoribus suis collata, ten̄ ill' in manñ domini regis capiantur, et ad uoluntatem suã̄ teneantur, et emptor amittat suñ recuperare, tã̄ de ten̄ quam de pecunia, quam pauit. Si aut̃ dom⁹ illa a com̃, baron̄, uel ab alijs fundat̃ fuerit, de ten̄ sic alienat̃ hẽat ille a quo uel a cuius antecessore ten̄ sic alienat̃ collat̃ fuerit, breue ad recuperand̃ ten̄ illud in domunico, quod tale est, Precipe tali abbati, qd̃ iuste &c. reddat W. tale ten̄, qd̃ eidem domui collatum fuit in liberam elemosinam per p̃dict̃ W. uel antecessores suos, et quod ad p̃dict̃ W. reuerti dz per alienationem, quam

predictus

predictus abbas fecit de predicto ten̄ contra formam collationis predicte, vt dic̄. Eodem modo de ten̄ dat̄ p cantaria |sustinenda| vel luminari in aliqua ecclesia vel capella, vel alia elemosina sustentanda, si ten̄ sic dat̄ alienetur. Et si forte ten̄ sic dat̄ p cantaria, luminari, pastu pauperum, vel alia elemosina sustentanda vel faciend̄, non fuerit alienat̄, sed subtracta fuerit huiusmodi elemosina p biennium, competat actio donatori aut eius heredi ad petend̄ ten̄ sic datum in dominico, sicut statut̄ est in statuto Glouc̄, de ten̄ dimissis ad faciend̄ vel reddendum quartam partem valoris ten̄, vel maiorem. Gloucester cap. 4.

¶ Fees. I. Cap. 42.

¶ De marescallis domini regis de feodo, camerariis, custodibus hostiorum in itinere iustic̄, et seruientibus birgam portantibus coram iustic̄ apud Westm̃, q̄ officium illud habent de feodo, & qui plus exigunt rationc feodi sui quam exigere consueuerunt, secundum quod multi queruntur super eos q̄ statut̄ cur̄ a multo tempore viderunt & sciūt, dominꝰ rex inquiri fecit, quem stat̄ predicti ministri de feodo habere consueuerunt temporibus retroactis, & per inquisitionem statuit et precipit, quod marescallus de feodo q̄ de nouo exigit palefrid̄ de comitibꝰ, baron̄, & aliis per partem baronie tenent̄, q̄n̄ homagium fecerint, et nihilominus ad milicia eorum alium palefrid̄, et de quibusdam (de quibus palefridum habere non debuit) pa-

lefridum

lefridum de nouo exigunt, ordinauit qd̄ predictus marescallus de quolibet comite & barone (integram baroniam tenente,) de vno palefrido sit contentus, vel de precio quale antiquitus percipere cōsueuit, ita quod si ad homagium, quod fecit, palefridū vel precium in forma predicta ceperit, ad militiam suam nihil capiat. Et si forte ad homagium nihil ceperit, ad militiam suam capiat. De abbatibus, et prioribus integram baroniam tenentibus cum homagium aut fidelitatem p baronijs suis fecerint, capiat palefridū vel precium, vt predictum est. Hoc idem de archiepiscopis, et episcopis obseruand̄ est. De his autē qui partem baronie tenent, siue sint religiosi, siue seculares, capiat secundū portionem partis baronie, quam tenent. De religiosis tenent in liberam elemosinam, et non per baroniam, vel partem baronie, nihil de cetero exigat marescallus. Et cōcessit dominus rex, quod per hoc statutum non precludatur marescallus suus de feodo in plus petendo, si in posterum ostendere poterit, qd̄ ius habeat plus petendi. Camerarij domini regis habeant de cetero de archiepiscopis, episcopis, abbatibus, prioribus, & alijs personis ecclesiasticis, com̄, baron̄ integram baroniā tenēt, rationabilē finē cum homagium aut fidelitatem pro baronijs suis fecerint. Et si per partem baronie teneant, capiant rationabilem finem secundum portionem ipsos cōtingentem. Alij vero abbates, priores, religiosi, et seculares non tenentes

per

per baroniam, vel partem baronie, non distringantur ad ſ̃cm faciend̃, ſecundum q̃d de tenentibus per baroniam vel partem baronie dictum eſt, ſed ſit Camerarius de ſuperiori indumento contentus, vel de pꝛecio indumenti: quod plus honeſte dictum eſt ꝓ religioſis quam ſecularibus, q̃a honeſti⁹ eſt quod religioſi paũt ꝓ ſuperiori indumẽto, quam exuant.

¶ Citation. 1. Cap. 43.

¶ Pꝛohibeatur de cetero hoſpitalarijs et templarijs, ne de cetero trahant aliquem in placitum coꝛam conſeruatoꝛibus pꝛiuilegioꝛum ſuoꝛum de aliqua re, cuius cognitio ſpectat ad foꝛum regium. Quod ſi fecerint, pꝛimo reſtituant dãpna parti grauate et ꝛ̃ſus dominum regem graviter puniantur. Pꝛohibet etiam dominus rex conſeruatoꝛibus pꝛiuilegioꝛum eoꝛundem, ne de cetero (ad inſtantiam hoſpitalarioꝛum, templarioꝛum, aut alioꝛum pꝛiuilegiatoꝛum) concedant citationes, pꝛiuſquam exꝑimatur ſuper qua re fieri debeat citatio. Et ſi viderint [huiuſmodi] conſeruatoꝛes, quod petatur citatio de aliqua re, cuius cognitio ſpectat ad foꝛum regium, huiuſmodi conſeruatoꝛes nec citationem faciant, nec cognoſcant. Et ſi aliter fecerint conſeruatoꝛes, reſpondeant parti leſe de dampnis, et nihilominus verſus dominum regem grauiter puniant. Et quia hm̃odi pꝛiuilegiati impetrãt cõſeruatoꝛes, ſubpꝛioꝛes, ꝓntatoꝛ̃ ſacriſtas, religioſos, q̃ nihil hñt vnd̃ leſis aut

domino

domino regi satisfacere possint, qui audatiores sint ad ledend̃ dignitatem domini regis quam eorum superiores, quibus per eorum temporalia, pena potest infligi, Caueant de cetero prelati huiusmodi obedientiariorum, ne permittant obedientiarios suos assumẽ sibi iurisdictionem in p̃iudicium domini regis & corone sue. Quod si fecerint, p̃ facto ipsorum respondeãt sui superiores ac si de p̃prio facto suo convicti essent.

¶ Fect. 2. Cap. 44.

¶ De custodibus hostiorum in itinere bis gam portantibus coram iustic̃ de banco: ordinat est qd̃ de qualibet assisa & iurat quã custodiunt, capiant decẽ denarios tm̃, & cirographis nihil. De his q̃ recuperãt demãdas suas versus plures p̃ defaltam, redditionem, vel alio modo per iudiciũ sine assisa vel iurat, nihil. De his q̃ recedũt sine die p̃ defalt petentis, vel querentis nihil capiant. Et si quis recuperauerit demañdam suam versus plures per vnum breue, & per recognitionem assise vel iurate, de quatuor denariis sint contenti. Et similit̃ si plures in vno breui nominati per recognitionem assise vel iurate recuperauerint demandã, de quatuor denariis sint contenti. De his qui faciunt homagium in banco, de superiori panno sint cõtenti. De magnis assisis, attinctis, iuratis, & duello percussis vj. & tm̃ capiant. De his qui vocati sunt coram iustic̃, ad sequend̃, vel defendend̃ placitum suũ, nihil capiant p̃ egressu vel ingressu. Ad placita corone de

qualibet

qualibet duodena.xij.d̃.tantum capiant. De quolibet p̃isonario deliberato.4.d̃. tantum capiãtur. De quolibet, cuius pax p̃clamata fuerit.i.d̃.tantum capiatur. De muentoꝛib⁹ occisoꝝ & aliis attachiat̃ vilt̃ quantuꝫ denarii. De decinariis hominibus sat̃, de quatuoꝛ hominib⁹ & p̃pocito ac denariis nihil nihil capiatur. De chirographariis p̃o chirographo faciend̃ statut̃ est, q̃d de quatuoꝛ solidis sint contenti. De clericis scribentib⁹ dñia oꝛiginalia & iudicialia statutum est: q̃d p̃ vno vꝛeui de vno denat̃ sint contenti. Et inũgit dñis rex õnib⁹ & singulis iustic. suis in fide & sacẽo quibus ei tenentur, q̃d si hiusmodi ministri contra p̃dictum statutum in aliquo articulo venerint, & querimonia ad eos perueniat, penam eis infligant rationabilem. Et si iterum deliquerint, maioꝛem penam eis infligant, qui castigari merito debeant. Et si tertio deliquerint. & super hoc cõuicti fuerint, si sint ministri de feodo amittãt feod̃ suum, & si alii sint, omittant cur̃ regis nec redeant sine ipsi⁹ regis speciali p̃cepto aut gratia.

¶ Execution. 3. ca. 45.

¶ Quia de his que recoꝛdata sunt coꝛam cancellaꝛis dñi regis, & eius iustic. q recoꝛdũ hñt & in rotulis eoꝝ irroꝛulat̃, non debet fieri p̃cessus placiti p̃ sum̃, attachiamẽta, essoi, visus terre, & alias solempnitates cur̃, sicut fieri consueuit de contract̃ & conuẽtionibus factis extra curiam, obseruandum est de cetero quod ea que inueniuntur irroꝛulat̃ coꝛam

coꝛam his, q̃ recoꝛdum hñt. vel in finibus
conten̄t siue sint contractus, siue cõuentio-
nes siue obligationes, siue seruitia, aut con-
suetudines, recognita, siue aliqua quecunq;
irrotulat̄, quib⁹ aũ domini regis (siue nõ
ꝫ consuetudinis offensio) auctoꝛitatem pꝛes-
tare potest, talem de cetero habeant vigoꝛ̄
quod non sit necesse in posterum de his pla-
citare, sed cum venerit conquerens ad aũ
domini regis, si recens fit cognitio, vel finis
leuat̄ videlicet infra annum, statim habeat
bꝛeue de executione illius recognitionis fac-
te. Et si foꝛte a maioꝛi tẽpoꝛe trãsacto facta
fuerit illa recognitio, vel finis leuatus, pꝛe-
cipiat̄ vic. qõ scire faciat partꝛi, de qua sit q̃-
rimonia, qõ sit ad cert̄ diẽ coꝛã iustic. ostens.
(si quid sciat dicere) quare hm̃odi irrotulat̄,
vel in fine conten̄t execution̄em habere non
debeant. Et si ad diem non venerit, vel foꝛte
venerit, ꝫ nihil sciat dicere, quare execuꝯ
fieri non debeat, pꝛecipiatur vic. qõ rẽ irroꝛ-
tulat̄, vel in fine conten̄t exequi faciat. Eoꝛ̄
modo mãdetur oꝛdinario in suo casu, obser-
uat̄ nihilominus qõ |W.2.ca.9.| suppꝛadẽm
est de medio, q̃ si per recognitionem aut iu-
dicium obligat̄ est ad acquietandũ. 13. E. I.
Mercatoꝛibus.

¶ Approuer. 2. cap. 46.

¶ Cum in statuto edito apud Mertoñ. ca.
4. concessum fuerit, quod domini vastoꝛum
boscoꝛum, et pasturariũ appꝛuare se possint
de vastis boscis, et pasturis illis, nõ obstãte
contradictione tenentium suoꝛum, dũmodo
tenentes

tenentes ipſi haberent ſufficientem paſturā ad teñ ſua, cum libero ingreſſu & egreſſu ad eaſ. Et pro eo quod nulla fiebat mentio int̃ vicinum & vicinum, multi domini vaſtorum boſcorū, & paſtuē huiuſq; impediti exiterit per contradictionem vicinorum ſufficientem paſturam habentiū, Et quia forinſeci tenentes non habent maius ius communicandi in boſco vaſto, aut paſtuē alicuius domini, quā proprii tenentes ipſius domini: ſtatutum eſt de cetero quod ſtatutum apud Merton̄ pro-uiſum inter dominum & tenentes ſuos, locū habeat de cetero inter dominos vaſtorum, boſcorum, & paſturarum & vicinos, ita quod domini huiuſmodi vaſtorum boſcorum, & paſtuē ſalua ſufficienti paſtura hominibus ſuis et vicinis, appruare ſibi poſſint de reſi-duo. Et hoc obſeruetur de his qui clamant paſturā tanquam ptinentem ad teñ ſuum. Sed ſi quis clamat communem paſtuē per ſpeciale feoffamentum, vel conceſſionem ad certum numerum auerioꝝ, vel alio modo, quā de iure cōi habere deberet, cum conuen-tio legi deroget, habeat ſuſi recuperaſ, quale habere deberet p formā conceſſionis ſibi fac-te. Occaſione molendini ventritii, bercarie, vaccarie, neceſſarij, augmentationis cuiſ, aut curtilagij, de cetero non grauetur quis p aſ-ſiſam noue deſſeiſine de communia paſture. Et cum contingat aliquando, quod aliquis his habens appruare, foſſatū aut ſepem le-uauerit, & aliqui noctanter, vel alio tali tem-pore quo non credant factum eorum ſciri,

foſſa-

fossat̃ aut sepē prostrauerunt, nec sciri poterit per veredictū assise aut iurate, q̃ fossatum aut sepem prostrauerunt, nec velint homines de villatis vicinis indictare de hm̃di facto culpabiles, distringantur propinque villate circum adiacentes leuar̃ fossat aut sepem, ad costum proprium, & dampna restituere.

¶ Assise. 7. Cap. 46.

¶ Et cum aliquis ius non habens cōicād vsurpet communiam tempore quo heredes infra etatem extiterint, vel vxores sub potestate virorum suorum existentes, vel pastur̃ sit in manu tenentium in dotem, per legem Anglie vel alit̃ ad terminum vite, vel annos vel per feodum talliatum, & pastur̃ tilla diu fuerint vsi, multi sunt in opinione q̃ hm̃di pasture debent dici pertinere ad liberum ten̄, et q̄ huiusmodi possessori cōpetet̃ debet actio p̄ breue no. dist. si ab huiusmodi pastur̃ declar̃, sed de cetero tenend̄ est q̄ habētes huiusmodi ingr̄m a tempore quo currit breue mortis antecessoris |s. del cōmencement del m.3.p.M.1.ca.38| si antea communiam non habuerint, nū habeant recuper̃ per br̄e nouel disseisine si fuerint deforciati.

¶ Fishe & Fishinges. 1. cap. 47.

¶ Prouisum est quod aque de Humbre, Ouse, Trente, Done, Arre, Derewent, Wherff. Niddiof, Swale, Tese, Tyn̄, Ed̄ & omnes alie aque |in regno| in quibus salmones captun̄. ponant̄ in defenso, quoad salmones capiēdos, & die Natiuitatis beate

Ma-

Marie, vsq; ad diem sancti Martini. Et similiter quod salmunculi non capiantur, nec destruantur per retia, nec per alia ingenia ad stagna molendinorum, a medio Aprilis vsq; ad nativitatem sancti Johañis Bap. Et in partibus vbi huiusmodi riparie fuerint, assignentur conservatores istius statuti, que ad hoc iurati sepius videant et inquirant de huiusmodi transgr̃, et in prima transgr̃ puniantur per combustionem retium, et ingeniorum suorum. Et si iterato deliquerint, puniantur per prisonam quarterij anni. Et si tertio deliquerint, puniantur per prisonam vnius anni. Et sic multiplicata transgressione, crescat pene inflictio. Anno 17. R. 2. cap. 9.

See View, Rot. Cap. 48.

De visu terre ordinatam, vbi et statutum quod de cetero non concedatur visus nisi in casu quando visus est necessarius. Sicut si aliquis amittat ten̄ per defaltam: et ille qui amisit suscitet aliud breue ad petendum eum ten̄. Et in casu quando aliquis per exceptionem dilatoriam cadat breue post visum terre sicut per non tenuram, vel male nominando villam vel huiusmodi, si suscitet aliud breue, in hoc casu et in superiori de cetero non concedatur visus, dummodo visum habuerit in prioribus brevibus. In breui de dote competatur dos de ten̄, quod vir proprios alienauit tenēmi ant eius antecessori, cum ignorare nō debeat tenens, quale ten̄ vir proprios alienauit sibi vel antecessori suo licet vir nō obiit seisi-

tus, nihilominus tenenti de cetero non esse
visus concedendus. In breui tria de ingres-
su cassato: per hoc quod petens nominauit
quale ingrm̃, si petens suscitet aliud breue de
alio ingressu si tenens in priori breue, visum
habuerit, in secundo non habebit. In omnib⁹
etiam breuibus p̃ que tm̃ petunt ratione dis-
missionis, quam petens dicitur antecessori fe-
cisse tenenti, et non ejus ante cessori, sicut quod
et dimisit, dum fuit infra etatem, non compos
mentis, in prisona, et consimilibus, non iaceat
de cetero visus, sed si dimissio facta fuerit, an-
tecessori iaceat visus sicut prius.

¶ Champertye. 21. cap. 49.

¶ Chaunceller, Treasorer, Justices, ne
nul del counseil le roy, ne clerke de la chaun-
cerye, ne del eschequer, ne de Justice, ne
dauter ministre, ne nul del hostel le roy, ne
clerke, ne lay ne puis retenuer esglise, ne ad-
nosowson de esglise ne terre, ne tenemt̃ en fee, p̃
done, ne per achate, ne a ferme, ne a champer-
ty, ne en auter maner, tanq̃ come le chose est
en plee deuant nous, ou deuant nul de nos
ministres, ne nul losowerent soit pris. Et que
encounter cest chose face, ou par luy ou par
auter, ou nul | bargaine ent | face, soit puny a
la volunte le roy auxibien celuy que le pursu
chasera come celuy q̃ le fra. | 11. E. 1, Cham-
partie. 1 articul' super chartas ca. 11. |

50 ¶ Omnia predicta statuta incipiant
cõseruari ad festum sancti Michaelis proxi-
mo venturum, ita quod occasione aliquo-
rum delictorum contra aliquod predictorum

statu-

statutorum citra predictum festum ꝑpetratorum pena delinquentibus (de quib⁹ mentio fit in statutis) non infligatur.

¶ Accion on the statute. 1. Cap. 51.

¶ Super vero statutis in defectum legis & ad remedia editis, ne diutius querentes cum ad cur̃ regis venerint recedant de remedio desperati, habeant breuia sua in suo casu prouisa, sed nō placitent vsqz post festū̃ sancti Michaelis supradictum.

¶ Explicit statut de Westm̃ seconde.

Statutum de Mercatoribus edit. Anno. xiii. E. i.

Recognisaunce, &c. 2.

Pur ceo que merchantes, queux auant ceux heures ont a prest lour auoier a diuers gentes, sont chiez en pouertye, pur ceo que nauoient pas ey readye ley puruien, per la quel ils purroyent lour dettes hastiuement recouerer au lour assys de la paye, & per cel encheson, sount multes des merchauntes sustretes de bener en cel terre oue lour

merchandiſes, au dam̃t des merchantes & de tout le Roialme: noſtre ſeignior le Roy per luy & per ſon counſel a ſon parliament quil tient a Acton Burnel, apres la ſeint Michael, lan de ſon raign xi. fiſt & ordeigñ les eſtabliſhmentes ſur ceo, a remedie des merchantz, lex queux ordeinments et eſtabliſhments le roy commaunda que tenuis fuſſēt et firmement gardes en tout ſon roialm̃, dōt merchantes ount eſwe remedy & meins des miſchieues & trauailes de recouer lour dets que auant ne ſoilent. Mes pur ceo que marchantes puis ſoy pleindront au roy que les bi̇ malement enterpretont ſon eſtatute, & aſcune foitz per malice & per male interpretation delaieront lexec. del eſtatute, au grād dam̃ des marchants. Le roy a ſon parliam̃t a Weſtm̃, apres la Paſche, lan de ſō raigne xiij. fiſt reciter lauantdit ſtatute fait a Acton Burnel, & pur declarer aſcuns articles de leſtatute auantdit, ad ordeigne & eſtably que merchant que boit eſtre ſure de ſa dette, face venir ſon dettour deuant le Maior de Londres, ou deuant]auter| chiefe gardeine de cel citie, ou dauter bon ville, ou le roy ordeigner & deuāt le Maior ou chiefe gardeiñ, ou auter prodhome, a ceo eſlue et iurre, quaunt le Maior ou chiefe gardeine ne poient a ceo entender, & deuant vn des clerkes q̄ le roy a ceo aſſignera, quant ambideux ne poient a ceo entendē, conus la det & le iour de la paiment, & ſoit le recogniſās enroll̃ de la mañ dune des auantdit clerkes que ſerra conus,

et

et le rolle ſerra double, dont lune demurge vers le Maioz ou chiefe gardeine, & lauter vers le clerke, que a ceo ſerra prīmes noſm̄, Et ouſter ceo vn des auantdits clerkes de la mayne face iceſcript del oblig. a que eſcript̄ ſoit miſe le ſeal' de dettour, oue le ſeale le roy que a ceo eſt purueu: le quel ſeale ſerra de deux pieces, dont la greinder piece demurra en la garď de Maioz ou le chiefe gardeine, & lauter piece en la main le auauntdit clerke. Et ſi le dettour ne rendza la dette au iour q̄ a luy eſt aſſeſſe, cy veigne le marchaunt au Maioz et clerke oue ſa ietter del oblig. Et ſi troue ſoit per rolle, ou per ietter, que la dette fuit conus, & le iour |de paiment| aſſis, ſoit paſſe, cy face le Maire ou chiefe gardein prē=der le corps le dettour (ſi ſoit lay) q̄l heure quel ſoit trouue deins iour power, & liuerer al priſoñ de la ville, ſi priſon y ſoit, & la demurg a ſes coſtages propres, teſques a tant quel eit fait gree de la dette. Et commaund̄ eſt q̄ la gardeine de la priſon de la ville, le reſceiue per le liuere del Maioz ou le chiefe gardein. Et ſi ne luy voill' reſceiuer, cy reſpoign̄ mai=tenant le gardeine de la priſon de le dette, ſi ad de quoy. Et ſi nad de quoy, reſpoign̄ ce=luy que la priſon luy bail' a garder. Et ſi le dettour ne puit eſtre troue en le power le Maioz ou le chiefe gardein, donqz maunde le Maioz ou chiefe gardeine deſouthe le ſeal' del roy auantdit al Chaunc. la reconuſ. fait de la dette. Et le Chaunc. enuoiera briefe al vicount en que bailie le dettour ſerra troue,

que ſi preigne ſon corps, ſi ſoit layt, et en ſafe priſon luy garð, ieſques a taunt quel ad fait gree de la dette. Et de deins vn quarter del an apres ceo que il ſerra priſe en ſes chateux & ſes terres deliueres, iſſint que p les ſoiens puiſſe leuer et paier la dette. Et bien luy liſt deins ceſt quarter del an, terres & tenementes vendre pur ſes dettes acquiter, et ſa vende ſerra ferme & eſtablye. Et ſi ne face gree deins le quarter, apres le quarter paſſe ſoient liueres al merchant toutes les biens del dettour, & toutz ces terres per reaſonable extent, a tener ieſque a taunt que le dette ſerra leue pleinment. Et la le puis tarð le corps demurge en priſon, come deuant eſt dit. Et le merchant luy troua paine & eſue. Et eit le merchant en ceux tenementes liueres a luy, ou ſon aſſigne tiel ſeiſine quel puiſſe porter briefe de nouel diſſeiſine, ſi ſoyt engette, et rediſſeiſine auxy come de frãktenement, a tenñ a luy & a ces aſſignes tanqz la dette ſoit paye. Et apres la dette leue & pay ſoit le corps le dettour deliuerẽ, ouc ſa terre. Et en les brieſes que le Chaunc. enuoyera ſoit mencioñ fait, que le viſẽ certifia les iuſtices de lune banke ou de lauter, coment il aueñ perfourme le commaundmẽt le roy a vn certeine iour: a ql iour le merchant, ſi sõ gree ne ſoit fait, ſua deuant les Juſtices. Et ſi ſs viſẽ ne retorñ nul brief, ou retorñ que le bre biẽt trope tarð, ou quilz ont maũdes as baillifes des fraunchiſes, ſi facent les Juſtices ſolonqz ceo que eſt contenue en le darreyne eſta-

eſtatute de Weſtminſt/ca.39. Et ſi p caſe l' vicont maund̄ que le dettour neſt pas trouue en ſon clerke, cy eſt le merchāt bries a touts les viſconts ou il auer̄ eſcrite, quilz luy liuer-ront touts les chateux, & touts lez tenemēts le dettour per reaſonable extent, a reñ a luy et a les aſſignes en la fourme que eſt auāſit dit. Et ialemeins eſt briefe a quel viſcont q̄ il voudra de prender ſon corps ſil ſoit laye, et a tener de ſa fourme auantdit. Et byen ſoy garde le gardeine del priſon, que luy co-uiendra reſponder del corps, ou de la dette. Et apres ceo que les terres le dettour ſont liueres al merchant, bien purra le dettour ſa terre vendre, iſſint que le merchant neit da-mages de les approuemēts. Et ſalues ſoi-ent touts iours al merchantes, damages, et touts coſtages neceſſaries & reaſonables en trauailes, ſuites, delaies, et diſpenſes. Et ſi le dettour troua pledges que ſe conuſt eſtre principals dettours, apres le iour paſſe ſoit fait de les pledges en touts choſes cōm de-uaūt eſt dit de le principall dettour quant a corps prendre, et terres liurer, et autres choſes. Et quant lez terrez lez dettourz ſoi-ent liueres au merchantz, al eit ſeiſin & toutz terres queux fuerunt en la maine le dettour le iour de la recognizance fait, en que maines que ils ſerront apres deuenus, ou per feof-femēt, ou per auter maner. Et apres la det paie les frees & iſſues des terrez ds dettorz per feoffement, retournent auribien arret al feoffee, come les auters terres as dettours.

Et si le dettour ou les pledges mourge ꝛeit le marchant power de prender le corps del heire, unes eit les terres, come auaūt est dit, si est dage, ou quant il serra de pleine age: sēlque a taum quil ad leue des terres le a-mountance de le det. Et soit puruieu vn suter seale ꝑ seruera a faires. Et icel seale serra enuoy a chescun faire de south la seale le Roy, per vn clerk o iure ou per le gardeine de la faire. Et per le comminalty des merchentes de la Citie de Loūdres, soient eslis eux deux loialx merchantes, queux facent le serement, & deuaūt eux soit le seale ouert, et lun piece soit baile a les auauntdites merchantes, & luter demourge verz le clerke, & deuaunt eux, ou de lun des merchantes, si ambideux ne poient attendꝛ, soient les conusaūces faites, sicome deuaunt est dit. Et auaunt ceo que le reconusance soit enrollé, soit la peine del auauntdit estatute appiertment lie deuaunt le dettour: issint quil ne puisse autrefoitz dire, que vn luy mist a auter peiñ que a cel a que il soy oblig. Et a sustein les costages de lauaūtdit clerke, si prēdra le roy de chescun li. C. ō. en chescun bill' ou le seale serra mis, forspris faires, ou il prēdra trois mailles de chescun li. Cest ordeinement et establissement voit le roy, que deformes soit tenus per tout son royalme Dengleterre et Dirreland entre qls gēts que ceo soit que de lour eigñ degree, celz reconus, voudrōt faire forspris Iewes, as qūx cest establissement ne se extient. Et per cest statute & establis-

ment

ment ne ſoit bre de det abatus. Et ne ſoit le chaūcelk, barons del eſchequer, Juſtices de lun & de lautr banke, ne nulli tr̄ats forclos de p̄end reconuiſ. des detz deuaūt eux faites et conus, mes les executions de reconuiſ. deuaūs eux faitz ne ſoient paz faitz per la form̄ auaūtdit, mez per la ley & luſage auaūt vſez & paruiens ailours en cink eſtatutz |vz. W. 2 ca. 45. |br̄e fūdat ſup̄ ſtatutum p̄edict.

Teſte. Quia coram tali maiore, vel cuſtode talis ville, vel coram cuſtode ſigilli noſtri de mercatoribus in nundinis de tali loco & tali clerico nō recognouit A. ſe debere B. tant, quod ſoluiſſe debuit tali die et tali anno, quod idem B. nōdum ſoluit, vt dicit. Tibi p̄cipimus, quod corpus p̄dicti A. ſi laicus ſit capias, et in p̄ſona ſua ſaluo cuſtodiri facias, quouſq; p̄dicto B. de p̄d̄ debito plenarie fuerit ſatisfact. Et qualiter hoc p̄ceptum noſtrum fueris execut, ſcire facias Juſtic noſtros apud Weſtm̄ &c. p̄ litteras tuas ſigillatas. Et habeas ibi hoc breue. Teſte.

&c.

¶ Statut' de Westm' 3, edit'. An. xviij. E. j.

¶ Tenute. 4.



Via emptores terrarū & tenementorum de feodis magnatum & aliorū dominorū, in preiudicium eorundem, temporibus retroactis multotiens intrant: in feodis suis sumunt, quibus liberi tenentes eorundē magnatū & aliorū terras et tenementa sua vendiderunt, tenendū in feodo sibi et heredibus suis de feoffatoribus & heredibus suis & non de capitalibus dominis feodorum, per quod iidem capitales domini escheatas, maritagia, et custodias terrarum et tenementorū de feodis suis existentium sepius amiserūt, quod quidem eisdem magnatibus et aliis bonis quam plurimum durum et difficile videbat, & sic in hoc casu exheredatio manifesta. Dominus rex in parliamento suo apud Westm' post Pasch. Anno regni sui xviij. videlicet in quidena sancti Joh. Bap. ad instantiam magnatum regni sui concessit, prouidit, & statuit quod de cetero liceat vnicuique libero homini terras suas, seu tenementa sua, seu partem inde ad voluntatem suam vendere, ita tamen quod feoffatus teneat terram illam, seu tenementum illud de capitali domino feodi illius per eadem seruitia & consuetudines, per que feoffator suus illa prius de

|de co|tenuit.

¶Et ſi partem aliquam earundum terra-
rum,ſeu tenementoꝝ̃ alicui vendiderit, ſe-
offatus |ille partem| illam teneat immediate
ꝺ̃ capitalꝭ domino,ꝛ oñet ſtatum de ſeruiciſs
quantum pertineat ſiue pertinere ꝺz eidem
capitali domino pꝛo particula illa, ſecundꝫ̃
quantitatem terre ſeu teñ ſic venditi. Et ſic
in hoc caſu decidat |eidem| capitali domino
ipſa pars ſeruitij per manꝰ feoffati capiendꝺ̃
ex quo feoffatus |debet |eidem capitalꝭ domi-
no iuxta quantitatem terꝛ̃ ſeu teñ venditi ꝺ̃
particula illius ſeruitij ſic debiti eſſe inten-
dens ꝛ reſpondens. Et ſciendum eſt quod
per p̃dictas venditiones,ſeu emptiones ter-
rarum,ſeu teñ,aut ptis alicuius earundem,
nullo modꝺ̃ pñt terre ſeu teñ illa in parte vel
in toto ad manum moꝛtuam deuenire, arte
vel ingenio contra foꝛmam ſtatuti ſuper hoc
nudum editi| 7.E.1.de Religioſis.| Et ſci-
endum eſt quod iſtud ſtatut tenet locum de
terris|ſeu teñtis| venditis tenendꝺ̃ in feodo
ſimplici tantum. Et quod ſe extendit ad
tempus futurum. Et incipiet lo-
cum tenere ad feſtum ſancti
Andꝛee apl'i pꝛoximo fu-
turꝛ̃. Añ regni regis
E.filij regis H.
xviij.

¶Explicit ſtatut Weſtm̃.iij.

Modus

¶ Modus leuandi fines ædit Añ. 18. E. primj.

¶ Fines. 3.



Quant le bꝛ̃ oꝛiginal soit lie en plence des ꝑties deuãt Justicez, dõqs dirra vn coñt illint. Sir iustice, comge daccoꝛd, le iustic̃ luy dirr̃ que dirra. Sir Robert, ꝛ nosm̃a vn des ꝑties. Dõqꝛ qñt ilz serront agree de la summe del peaune q̃ est done al roy donques dira le iustic̃ Criez la peace. Et puis dira le coũk, illint q̃ la peace est tiel, a vous conge, q̃ Willim̃ & Alice sa fem̃, q̃ cy sont recognissont le maner de W. oue les appꝛtenances contenus en le bꝛ̃e, estre dꝛoit du R. cõe cel que il ad de lour done, a auer & tener a luy & a ses heiꝛs, de W. et Alice, et les heires A. come en demesne, rents, seigniouries, courts plæs, purchales, gard̃ mariages, reliefes, eschetes, molins, aduowlõz d̃ esglises, ꝛ toutz auters franchises, & franke customes al auantdits mañ appertenant, rendant per an a ſſ. & a ses heires chiefes seignioꝛs de fee, seruice due, ꝛ custõs pur touts seruic̃. Et fait assauoir que oꝛder de ley ne suffre impe, que final accoꝛde soit leue en la court le roy

saũs

lans brefe original, et ceo a tout le meins deuant iiij. Justices en banke, ou en eyre, et non pas ailleurs, et en presence des parties nosmes en brefe, queux soyent de pleine age et de bone memorie, et hors de prison. Et si feme couert de baron soit vn des parties, dõques couient que el soit primierment conisse de iiij. Justices auauntdits. Et si el nasient al fine, ne ceo liera mie. Et la cause pur que tiel solempnitie doit estre fait en cel fine est, pur ceo que fine est cy haute barre, et de cy graunde force, et de cy puissant nature en soy, que el forclos nemy solemẽt ceux queux sont parties et priues a la fine, et lour heyres mes toutes auters gents du monde, qux sont de pleins age, hors de prison, et de bon memorie, et deins les iiij. meres, le iour del fine leue, sils ne mettront lour claime de lour action pur le pais deins lan et le iour. | vide placito fo. 354.|

¶Stat' de vocat ad warr' edit' Añ.xx.E.i.

¶Voucher.5.

CUm tenẽs implacitat⁹ in placito terre tẽpoꝛibus retroactis vocauerit a. iquẽ ad warrant,⁊ petens sup hoc verificare voluerit|quod nec vocatus, nec aliquis anteceſſoꝛũ suoꝛũ a tẽpoꝛe ſcſine |anteceſſoꝛis |ipſius petentis fuerit in ſeiſina de teñ pꝛedictis, nec in dominico nec in ſeruitio, ſed ſi ille vocatus ad warrant fuerit pꝛeſens et gratis tenenti warrãtizare voluerit, pꝛedicta verificatio petentis admitti non conſueuit, niſi vocatus abſens fuerit, et hoc ratione cuiuſdam ſtatuti domini regis nunc editi inter cetera ſtatuta |lua pñi weſtm. capit 39. | pꝛopter quod dñus rex animaduertens fraudem, deceptionem, et malitiam, et etiam damnum ſuum,⁊ exheredationem coꝛone ſue qꝫ in caſu pꝛedicto in cur. ſua multotiẽs poſſet interuenire, et iſto die interuenerit: Cum quidam teñ de ipſo rege in capite per baroniam integram in quodam placito pendente coꝛam iuſtic. de banco vocauerint ad warrãt de demanda particul. riter quoſdam gartiones, ignoꝛ, et extraneos, quos pꝛeſentes dixerint, ⁊ quoꝛũ anteceſſoꝛes aut ipſimet nunquam in teñ que warrantizauerint, aliquid habuerunt, aut in aliquibus terris aut teñ aliis in regno ſuo, neqz in dominico neqz in ſeruitio(ꝓut a diuerſis dñi regis fidelib⁹ teſtabatur)

batur) vt p̄ cautelam illam, fraudem, et malitiam ipsi⁹ p̄ baroniam' tenētes sufferre possent dño regi misericordiam suam, in quā inciderint, si petens verius eos de mandam suā recuperaret. Et similiter cum gartiones warrantizauerint, vēz quilibet de p̄uicne quam warrantizare debet, in casu vbi ducillā iacet possit se defendere per cōtius seruientis sui vnum, a conducti per ipsos baroniam tenētes. Et sic super vno breui, et p̄na demaunda tam fuerunt duo vel tria duella vadiata; qđ durum est, et exemplum pernicioſum tempore futuro p̄o pauperibus petentibus verius magnates et diuites, qui se per malicia p̄dictam defendere voluerint, nec petens contra dictos warrantos, quando vocat fuerint verificationem suam in forma p̄dicta habere possit, eo quod ipsi vocat p̄sentes fuerint et gratis warrantizauerint, dominus rex de cōsilio suo cōmuni, statuit et firmiter de cetero, videlicet a festo sancti hyllarij, anno regni sui xx. p̄cepit obseruari, quod quicunque tenens aliquem vocauerit ad warrant, et petens in forma p̄dicta verificare voluerit, admittat⁹ eius verificatio, siue vocatus fuerit absens, siue p̄sens, nullo habito respectu ad̄ p̄sentiam vel absentiam.

¶ Finis,

Stat.

¶Stat de defensione iur. edit. Anno xx. E.j.

¶ Receipte. 2.

Cum quis aliqtiod breue domini regis impetret versus tenent p legem Anglie, vel feodū tallia-tum, vel sub nomine dotis, vel alio modo, ad terminum vite, vl annorum, & petens tantum fue-rit prosecutus, quod tn sint quasi admittend & ibi adiudicanda & super hoc venerit alius ante iudicium redditum a latere, dicēs se ha-bere feod, et ius in ten illis, et cū suppli-cauerit, quod ex quo ante iudicium venerit ten sua defendere, et paratꝰ inde petenti re-spondere, ad hoc admittatur, ratione cuiusdam statuti domini regis nunc inter cetera ultī-ma statuit Welsh edit 5. Ew. 2. ca. 3. per quod statuit tam nullum ius habentes, quam illi qui iuis habent multocies in casu predicto falso & in deceptionem curie superuenerint, & petierunt se admitti respondere, vt per admis-sionem suam possent petentem elongare de iudicio, et seisina dde sue habende, et ad faci-endum eosdem petentes de nouo placitare, et sic petentes in casu predicto in cur regis sc-pius elongantur a iure suo, per malitiā su-pradictam, tam de falsitate de predicto statu-to superueniente, quam ex alia causa ratio-nabili, et hoc coram iusticiis multociēs cōtingit et inuenitur, propter quod dominus rex, ad

una-

malliciam predictam in predicto casu destruendō, remedium volens apponere, in pleno parliamēto suo ex cōmuni consilio suo statuit, et firmiter de cetero, voz a die lune primo post festum ꝑ Purificationis beate Marie virginis, anno regni sui. xx. precepit obseruari, qō cum aliquis a latere ante iudicium in casu p̄dicto superuenerit, et petierit se admitti, antequam admittatur inueniet sufficientem securitatem prout cuī visum fuerit, ad respondendō petenti de valoꝛe extimum tēn sic amittendoꝛum a die quo recipitur responsuī, vsqz ad diem quo iudicium finale fiet super petitionem petentis. Et si ille petēs demandam suam recuperet, grauiter amercietur defendens, si habeat vnde. Et si non habeat vnde, committatur gaole, ad voluntatem regis. Et si verificare poterit ius suum esse tale, quale illud asserit, quando petit ipsum admitti, tunc sit quietus.

¶ Explicit.

¶ Stat' de finibus leuatis, edit' Anno. xxvij. E. i.

¶ Fyne. I. cap. I.

QUia fines in curia nostra leuati finem litibus debēt imponere, et imposuit, et ideo fines vocant, maxime cum post duellum et magnam

assisam in suo casu vltimum locum finalem teneant in perpetuum, iamque per aliquod tempus preteritum, tam tempore clare memorie domini Henrici regis patris nostri, quam nostro, partes eorundem finium & earum partium heredes (contra leges & consuetudines regni nostri antiquitus vsitatas) super huiusmodi finibus adnullandis & euacuandis admittebant proponent quod ante finem leuatum, et tempore leuationis eiusdē et postea petentes, seu querentes, aut eorum antecessores de tenementis in finibus contētis, aut de aliqua parte eorundem, semper fuerunt seisit, et sic fines huiusmodi rite leuat per iuratores patrie falso suborn̄atos, & malitiose procuratos, multotiens euacuabāntur et adnullabantur minus iuste, Nos volētes super premissis remedium adhibere, in parliamento nostro ad Westm̄ statuimus, quod dicte exceptiones, seu responsiones, vel inquisitiones patrie: super huiusmodi exceptionibus seu responsionibus nullo modo cōtra huiusmodi recognitiones et fines de cetero admittantur. Et nos vero volumus, quod statut̄ istud tam locum habeat ad fines prius leuatos, quam in posterum leuandos. Et videant iustic. quod note, et fines in curia nostra in posterum leuandi, publice et solemniter legantur, et quod placita interim cessent omnino, et hoc fiat per duos dies in septimana, secundum discretionem iustic̄.

¶ Shiriffes

¶ Item ordinauimus de consilio nostro, quod vic̄ de cetero non onerent de aliquib⁹ crit̄ leuand̄, nec aliquos leuent, antequā exeant de scaccario per extractas iustic̄ ibidem liberandas. Et quod in extractis iustic̄ singula capita onerent de crit̄ suis soꝛisfactis sicut & de amerciamentis. Et si forsan aliquis vic̄ responderit de critibus alicuius recognitoꝛis, vel plegij, seu manucaptoꝛes per ipsum oppositi, et in curia nostra retoꝛnati qui ad solutionem eoꝛundem crituum seu amerciamentoꝛum tempoꝛe retoꝛni non sufficiat, idem vic̄ ad scaccarium nostrum inde oneretur et respondeat. Et caueant sibi vic̄ sub gꝛaui soꝛisfactura quod de cetero faciāt singulis tallias de denarijs quibuscūqꝫ per preceptum nostrum per ipsos vicecomitez & subditos suos receptis. Et quod non retoꝛneat alicubi nomina manucaptoꝛum, iuratoꝛum, seu alioꝛum, nisi ipsi manucaptoꝛez, iuratoꝛes, seu alij, secundum tenoꝛem bꝛeuium nostrum vic̄ inde directoꝛum, ad hoc legaliter et manifeste ponantur. Nec retoꝛnent aliqua nomina plegioꝛum liberoꝛum hominum nisi ipsi manifeste se plegios consenserint. Et super hoc statuimus, quod quolibet anno semel in anno mittantur bꝰ nus baro, et vnus clericus de dicto scaccario nostro per singulos com̄ Angl', ad imbꝛeuiand̄ nomina omnium, qui anno illo debita per veridem ceram ab eis exacta soluerint. Et ꝯdē baro & clericus tallias illas

videant, & imbreuient, et audiant et terminent querelas super vic', et clericos suos, et ballivos contra premissa venient, et grauiꝰ puniant transgressores.

3 ¶ Quia vic', et alij tempoꝛibus retroactis latrones notoꝛios, et manifestos, & pꝛo moꝛte hominis, et alijs felonijs capt & imꝑsonat, et q̄ non sūt replegiabiles, ꝑ pleuin dimiserint, contra foꝛmam statuti nr̄i apud Westm̄ editi de his qui sunt replegiabiles, et qui non | 3. W. 1. ca. 15. | per quod ipſi malefactoꝛes irreplegiabiles sunt replegiati, ad quoꝛum deliberationem falso faciend, iuratoꝛes patrie ꝑ se & amicos suos, ante aduēt̄um iustic̄ itinerantium, aut alioꝛum ad eoꝛum deliberationem assignat, pꝛocurant et suboꝛnant, alijsque minant, pꝛopter quod tā pꝛopter metum vic', et aliꝛum per talē pleninam illos dimittentium, quam timoꝛem eoꝛundem latronum seu felonum sic deliberat, coꝛam iustic' ad gaolas diliberād assign huiusmodi latrocinia & homicidia suffocant, & ipsa sic concellata penitus remanēt impunita: Nos ꝑ vtilitate regni nr̄i, & pace nr̄a firmius obseruanda, statuim⁹ & oꝛdinauim⁹ qd̄ iustic' ad assisas capiend assignat, in singul' com̄, vbi capiūt assisas, put oꝛdinat est, statim post assisas captas in eisdem com̄, remaneant ambo si laici fuerint. Et si vn⁹ ipoꝛū clericus fuerit, tūc associato illi iustic. qui laicus est, vno de discreciꝛib⁹ militib⁹ com̄ illius per bꝛeue nostrum deliberēt gaolas in com̄ illis tam infra libertatē ꝙ extra de pꝛi-

sona-

sonarijs qbuscunq, secundum formam deliberationis gaole com illorum hactenꝰ vsitatã. Et ijdem iustic. tunc inquirant q vic. & alij, prisonarios irreplegiabiles per plenariã dimiserunt, vel in aliquo cõtra formã statuti predicti nuper apud westm edit deliqrint: & quos culpabiles inde inuenerint | ipsos | in omnibus secundum formam statuti predicti puniant et castigent. | 28. E. 1. de appellat.

¶ Nisi prius. Cap. 4.

¶ Item cum statuerimus, qd nullus ponat alicubi extra com in recognitionib', inquisitionibus, et iuratis alicubus, qui minus ꝑ C. s. terr, vel reddit habeat, ꝙ ꝯ tam ipsi q plus terre habentes propter frequent, tã ad sckm nostrum ꝑ coram iustic. nostris de vtroq; banco summonitionꝫ, depauperentur | 21. E. 1. de ponẽdis in assisis & juratis | Nos tanꝫ intolerabilẽ populi nostri facturam aduertentes, non solum ad coꝝmõ iuratorum exoneracionem, sed etiam ad celerẽ partibus in curia nostra placitãtibus iusticiam exhibendũ, statuimus et ordinauimus; quod inquisitiones et recognitiones coram iustic. de vtroque banco de cetero adiudicande capiantur tempore vacationis coram aliquo iustic. earundem, coram quibus placitũ deductũ fuerit, associato sibi vno milite com illius, vbi tales inquisitiões emerserint, nisi fuerit inquisitio, magna indigens examinacione. Et sic in huiusmodi inqsitionibus capiendis de cetero fiat prout iustic. ad vtilitat regni nostri potius esse viderint: facilẽ,

non obstante statuto nuper apud Westm. | 2. cap. 30 | super huiusmodi inquisitionibus capiendis edit, continent quod si aliqua forma in statuto illo ordinat aliqua inquisitiones capiantur, pro nullis penitus habeantur. Dat apud Westm secundo die Aprilis. Anno regni nostri. xxvij. | 12. E. 2. capit. 3. De statuto Eboracens.

¶ Explicit statut de finibus leuatis.

¶ Articuli super Chartas, edit Anno. xxviij. E. j.

Pur ceo que les pointes de la graunde Charter, des fraunchis. & de la foreste les queux le roy Henrye pier nostre seignour le roy que ore est, graunta a soun people pur le priuie de son roialme, ne ont pas este tenus, ne gardes auaunt ces heures, pur ceo que auaunt ces heures peine ne fuit establie vers les trespassants countre les pointes des Charters auaunt ditez. Nostre seignior le roy les ad de nouel grantz renoncl et confirme. Et a la requestes des prelates, countes, & barons a son parliament a Westminster, en quaresme, lan de son reigne xxvij. ad certaines points affirme, & pleine ordeigne, et estable encounter touts iceux, que encounter les pointes des auaunt ditz charters

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ters ou nul poynt de eux, en nul mañ byen-dyõt, ou miſpȝẽdȝẽnt, en la fourm̃ q̃ ſẽſiut.

¶ Confirmation. 2.

¶ Ceſtaſcauoire que de cy en auaunt la graunꝺ charter des fraunchiſes Dengleterre, grant a tout la commune Dengleterre, ⁊ la charter de la foreſt en meſme le maner grãt, ſoyent tenus, gardes, ⁊ maintenus en cheſcune article, ⁊ cheſcune point, auxi pleynment come le roy les ad graunt, renouele, ⁊ par ſa charter confirme. Et que ceis charters ſoient baillez a cheſcune viſcount Dẽgleterre deſoubes le ſeale le roy, a lier quater foitez par an deuant le people en playne countie: ceſtaſcauoir au prochein countie apres la ſaint Michell', au prochein coũtie apres le noel, au prochein countie apres la Paſque, ⁊ au prochein countie apres la ſaint Johm Baptiſt. Et a ceux deux charters en cheſcune point, et en cheſcune article dicel, firmement tenir, ⁊ garder ou reinedye ne fuit auant par la common ley, ſoient eſlicus en cheſcune countie per la cõmen de meſme la countye troys prodes homes chiualerz ou auterz loialx, ſages, ⁊ auiſes, que ſoient iurez et aſſignez per les letters le roy oſtis de ſon grande ſeale, de oyer et terminer, ſans auter bꝛiefe que lour commen grant, les pleintez que ſe ferront de toutez iceux, que contreuiendꝛont ou meſpꝛendꝛont en nul des ditz pointez des auaunt-ditz charterz en countiez ou uz ſõt aſſignes, auxibien dedeins franchiſes, come dehoꝛz, ⁊

auſſibien des miniſters le roye, hoꝛs de lour places, come des autres, & les pleintes oyer de iour en iour ſauns delay: & les terminent ſans allower les delaies, q̄ ſõt allowes per la comen ley. Et que meſme ceux chiualers, eyent poier de punir touts ceux que ſerront atteints de treſpas fait encounter nul poynt des chartres auauntdits, ou remedy ne fuit auant per la comen ley, auxi come auaunt eſt dit, par impꝛiſonment, ou par raunſom, ou p amerciament, ſolonque ceo que le treſpas le demandõ. Et per ceo nentendõ pas le roy, ne nul des ſciens que a ceſt oꝛdeignement fuerent, que les chiualers auantdits, teignent nul plee par le poẅer que done iour ſoit, en cas ou auant ces heures fuit remedy puruen ſolonqz la comen ley par bꝛiefe: Ne q̄ pꝛeiudice ſoit fait a la comen ley, ne a les charters auantdits, en nul de lour points. Et voet le roy, q̄ ſi touts trois ne ſoient pꝛeſentes, ou ne pꝛeſtoront a touts les foits attendꝛe, a faire lour office en la foꝛme auantdit, q̄ deux des trois le facent. Et oꝛdeign̄ eſt, q̄ les viſcõts & les baillifs le Roy ſoient attendãtes a les cõmandemẽts des auantdits Juſtices, en quãt q̄ appẽt a lour office. Et oultꝛe ces choſes grãtes ſur les points des charts auãtdits, le roy de ſa grace eſpecial, en allegeance des greuances, que ſon people ad eẅ par les guerres que ont eſte, et en amendement de lour eſtate, & pur tant q̄ ils ſoient plus pꝛeſtes a ſon ſeruice, a plus volũtiers aidants, q̄n̄t il en auꝛa a faire, ad grant aſcũs articlez

les

les queux il entend̄ que tyendront auxi byen lieu a son people, et auxi graunde prouite serront, ou plus, que les pointes auante grantes.

¶ Purueiours. 4. & 5. Cap. 2.

¶ En primes pur ceo que vn grād̄ greuāc. est en cest roialme, et dam̄ sans number, de ceo que le roy et ces ministers de sa roialm̄, auxibien les aliens come les denizens, font lour prises par la ou ils passēt par my l'roialme, & parnent les biens des gēts, des cleres, & des lais, sans rien paier, ou bn̄ meins que la value. Ordeine est, que de cy en auāt nul ne preign̄ prises par mie le roialm̄, forsq̄ les parnours le roy, et les purueiours pur lostell' le roy. Et q̄ les vnours le roy, & purueiours pur son hostell ne preignent tyens, forsqz pur meln̄ lhostell'. Et des prises que ils serroūt per mie le pais de manger ou de boire, & des autres menus necessaries pur lostell', que ils facent la paie ou gree a ceux, des queux les choses serront prises. Et que toutes ceux parnours le roye, purueyours, ou achatours, eyent de cy en auant lour garrantie ouesque eux du graunde seale ou vn petite seale le roy, conteignant lour poiar, & les choses dont les serrōt prises, ou purueiance, le quel garrant ils mōstrent a ceux des queux ils serront la prise auant, ceo que ils empreignēt rien. Et que ceux parnourz purueyours, ou achatours le roye, ne preignent plus que besoigne, & mestre ne soit pur l'roy et son hostell', et de ces enfants. Et que riēs ne

ne prẽignent pur œur que ſont as gages, ne pur nul auter. Et que ils reſpoignent ẽ ioſtell', ou en la gardrobe pleinment de toutes lour priſes, ſans faire lour largeiſes ailloꝛs, ou liueries des choſes, que pur le roy ſerrõt priſes. Et ſi nul parnour del hoſtel le roy, q̃ garrantie que il eſt, face priſes, ou liueres en auẽ maner, que deſſuis neſt dit, per plait fait al ſeneſchall', & au treaſoꝛer del hoſtel le roy, ſoit la verite inq̃ſe. Et ſi de ceo ſoit attaint ſoit grce maintenant fait al plaintife, & ſoyt ouſte de ſeruice le roy pur toutes iours, & demurge en priſon a la volunte le roy. Et ſi nul face priçes ſans garranty, & les emporte encounter la volunte de celuy, a que les biẽs ſont, ſoit maintenant arreſt par la bille, ou le priſe ſerra fait, & amenſ̃ a la ꝓchein gaole. Et ſi de ceo ſoit attaint, ſoit la fait õ luy, cõe de laron, & la quantitie des biens le demãd. Et quant as priſes faire en fairez, & en bõs billes. & en poꝛtes pur la graũde gardrobe le roy, eient les parnours lour cominẽ garrant par le grand ſeale. Et des choſes que ils prendront, eient la teſmoignñ du ſeale du gardein de la garderobe. Et des choſes iſſint p eux priſes, de nombꝛe, de quantitie, et de balue ſoit fait diuidend̃ entre les parnourz & les gardeins des fairez, maioꝛs, ou chiefez baylies des billes, & poꝛtes par le vieu de merchantes des queux les biens ſerront iſſint priſes. Et riens ne luy ſoit ſuffer de p̃ndꝛe, que il ne mette en diuidende. Et cel diuidende ſoit poꝛs en gardrobe ſoubes le ſeale

le

le gardeine, maior, ou chiefe baillifs auādits
& la demurge tanqz iur laccompt du garde-
robe le roy. Et ſil ſoit trouue q̄ nul eit auē-
rient pzile que faire ne deuerroit, ſoit puny
ſur laccompt par le gardeyne de le gardzobe
le roy, ſolonqz ſa deſerte. Et ſi nul face tyeix
pzules ſās garrante, et ſur ceo ſoit attaynt,
ſoyt fait de luy come de ceux que ſont pzu-
les pur loſtell' le roy ſans garr̄, come deſuis
eſt dyt. Et nentende nyre le roye, ne ſon
counſeile, que par ceſt ſtatut rien decreſſe
au roy de ſon dzoyt des auncient pziſes dzi-
es et accuſtomes, come des vines, et autres
biens: meſque en toutes pointes pleyn̄et
luy ſoit taue.

¶ Marſhalſie. I Cap. 3.

¶ Des eſtates des ſeneſchalx, & des mar-
chalx, & des pleis que eux deuoient tenir, et
com̄et, ordeine eſt qz deſqmes ne teigñ plee
de franktenement ne de dette, ne de coue-
nant, ne de cōtract des gēis de people, forſqz
tant ſolement de trñs del hoſtell', & dauters
treſpaſſez fait dedeis la berge, & ds cōtractz
et conenantes, que aſcune del hoſtell le roy
auera fait a auter de meſme loſtell, et en ñ
le hoſtelle & nemy aillours. Et nul plee de
treſpas ne pledzont, mqz qz que ne ſoit attach
par eux, auant ceo que le roy iſſera hors de
la berge ou la treſpas ſerra fait. Et les ple-
dēñ haſtiement de iour en iour, iſſint qz ils
ſoient y pledes & termynes auant ceo que
le roy iſſeñ hors des bondes de cel berge, ou
le treſpas fuit fait. Et ſi per cas dedenz les

bondes

bondes de cel berge ne paient eſtre termis, eſſent tiels pleez deuant le ſeneſchall', & ſoiēt les pleez a la comē ley. Ne deſormes ne pig ne le ſeneſchall' comiſāces des detz, ne dau- ter choſe, forſque dez gent del hoſtell' auant- dit, ne nul auter plee ne tiendē par obligat ſayt a le diſtreſſe le ſeneſchall', ou le mareſ- chall'. Et ſi lez ſeneſchal, ou lz mareſchalz nē facent encounter teſt ordinance ſoit lour fait tenus pur nul. Et pur ceo que auāt cez heu- res mults ds ſelonez faits dedenz la berge oīt eſte depuis, pur ceo que lez coronerz de pais ne ſe orent pas entre mis denquerer dez tiels maners des ſelonies dedeines la berge mes le coroner del hoſtel le roy, q eſt paſſāt de quoy iſſue nad mie eſte fait en du maner, ne lez ſelons miſe en exigent, ne vtlages, ne rien de ceo preſent en eire, que ad eſte a grād damage du roy, & a meins bone garde de ſa peace: Ordeine eſt que deſormes en caſe de moīt de home, ou office de coroner appēt as viewz, & enquiells de ceo faire, ſoit maunds al coroner del paiz que enſemblement ouc le coroner, del hoſtel le roy face loffice que ap- pent, et le mettre enroll'. Et ceo que ne pur- ra mie deuant le ſeneſchal eſtre termine, pur ceo que les ſelonz ne purront eſtre attaches, ou par auter encheſon, demurge a la com- mein ley, ſilint q les exigentes, vtlagaries, & preſentmentes en eyre ſoient de ceo faytes par le coroner du pays, auſi come des au- ters ſelonies faytes hors de la berge. Mes pur ceo ne ſoyte leſſe, que les attachements

ne ſoy-

ne ſoyent faytes freſhement ſur les felonies faytes.

¶ Comen plees. 2. cap. 4.

¶ Duſter ceo nul cõen plee ne ſoit deſoꝛmes tenꝰ a leſchequer, encoũt la foꝛm de la graund charter. |ca. 11.|

¶ Chauncery. 1. cap. 5.

¶ Et dauter part le roy voet q̃ le Chaũcellour et les Juſtices de ſon banke luy ſuuent iſſynt que il eyt toutes iours pꝛes de luy aſcune ſages de la ley, que ſachent les beſoignes, que beignent a la court duement deliuerer a toutes les foites que meſtier ſerra.

¶ Seale. 1. cap. 6.

¶ Deſouth le petit ſeal', ne iſſer̃ deſoꝛmes nul br̃ q̃ touche comen ley.

7 ¶ Le Conſtable du chaſtel de Douer ne plede deſoꝛmes a la poꝛt de chaſtel nul plee ſoꝛein du counte, que ne touche la garde du chaſtel. Et le dit conſtable ne diſtregn̄ les gents due cinque poꝛtes a pleder aillourz ne en auter maner q̃ ils deuoient, ſolõqz la foꝛm des charters que ils ount des roys, de lour franchiſes auncients affirmes par la grand̃ charter. |cap. 4.|

¶ Sheryffes. 3. cap. 8.

¶ Le roy ad graunt a ſon people, q̃ ils eient election de lour viſcount, en cheſcũ coũtie ou viſcount neſt mie de fee, ſils voilent. |poſt. cap. 13.|

¶ Iurrours 4. cap. 9.

¶ Le roye voet, et commaunde, que nul viſcount

biscount, ne bail'ne mette en enquests, ne iu
turies plus des gents, ne auters ne en autre
maner que il nest ordeine par estatute, et que
ils mittent en tiels enquests, & turies le plus
procheines le plus suffisants, et meines sus-
picious. Et que autrement le fra, et de ceo
soit attaint, rendū au plaintife ses dam̄ au dou-
ble, et soit en la greue mercy le roy. |Sw.2.ca-
pit.38.|

¶Conspiracy.2. cap.10.

¶En droit des conspiratours, faux en-
formours, & malueis procurours des dousei-
nes, enq̄sts, assises, & iurees, le roy ad ordeine
remedy as plaintifes par bricfe de Chaun-
cellarie. |33.E.1.de conspiration. | Et iade-
maines doet le roy, que les Justices de lune
bank & de lauter, & iustic, dassises prend̄ al-
signes, quant ils veignent en pais a faire
lour office, de ceo facent lour enq̄sts a chescū
pleint sans bricfe, & sans delay facent droyt
as pleintifes.

¶Champertie3. cap.11.

¶De rechefe pur ceo q̄ le roy auoit auāt
ordeigne par estatute |Sw.2.cap.49. |que nul
de ses ministers ne prist nul plee a champer-
tie, et par cel estatut auters ministers nestoi-
ent pas auant ses heures a ceo lies. Moet le
roy, que nul minister, ne nul auter, pur part
auoier des choses que sont en plee, enprein̄
les besoignes qz sont en plee. Ne nul iur.ti-
el couenant son droit ne lesse a auter. Et si
nul le face, et de ceo soit attaint, sont forfait, &
encurrue deuers le roy des biens, & des fres

le

le parneur, a la value de tant come sa partie de sō purchase par tiel emprise avenistera. Et a ceo attendē soit resceu celuy, q̄ luer voldē pur le roy deuant les iustices, deuant queux le plee auēt olle, et par eux soit lagarde fait. Mes en ceo cas nest mie a entendē que homme poet auer counsaile des countours, e des sages gentes pur son donant, ne de ses prochein amies.

¶Del al roy.4. cap.12.

¶De rechefe voet le roy, que distresses q̄ sont a faire pur sa dette, ne soient faytes par bestes des charues, tanque come home poet autre trouer, solonqz ceo que est ordeine ailours par estatute, cue la paine &c. |51 H.3. de dist̄ scaccarij.| Et ne voet qz trope greue distres soit prise pur sa dette ne trope loigne meshe. Et si le dettour puisse trouer suffisant, et conuenable suertie, tesque a vn tour deynes le iour al vicount, de deynes le quel home puisse purchaser remedie a fait̄ gree de la demaunde, soit la distres relesse endementiers, et que autrem̄t le fra, soit greuement puny.

¶Shiriffes.4. cap.13.

¶Et pur ceo que le roy ad grant la election des viscounts a ceux dez countes |3. ante ca.8.| voet le roy q̄ ils eslient tiels vicontz, que ne les charge nyent: et ne mettent nul ministre en baillie pur louer, ne pur done. Et q̄ tiels ne se herbergent trope souent en vn lieu, ne sur les poures ne sur les religious, |9.E.2. Lincolñ de vicecomitibus,|

¶Hundredes

¶ Hundreds. 1. Cap. 14.

¶ De rechefe voet le roy, que les baillifs & les hundꝛ du roy, ne les autres grañd ſeꝛs de la terre, ne ſoyent leſſes a trope graunde ſomme a ferme, par quoy le people ſoit greue ne charge per contribution faire a tyeꝛ fermes.

¶ Proces. 1. cap. 15.

¶ En ſommons, et en attachementes en plee de terre, deſoꝛmes conteignñ la ſommons ou lattach. le termñ dex v. iours a tout le meines, ſolonqꝛ la comẽ leyꝛ: ſil ne ſoit en attachñt des aſſiſes pꝛendꝛ en pꝛſence le roy, ou des pleꝛs deuãt iuſtic. en eyꝛe durant le eire, |vide Marlebꝛ. cap 12.

¶ Retorne de vicont. 4. cap. 16.

¶ Soit fait de ceux que ſont faux retoꝛnz des bꝛiefes al maundement le roy, par quoy dꝛoyture eſt delay, auxi come oꝛdeyne eſt en le ſeconde eſtatute de Weſtminſter |capiꝛ 39| ouc la peine.

¶ Proclamation. 1. cap. 17.

¶ Et pur ceo que multz meſfeſeurs ſont en la terre plus que ne ſolent, et robberies arſions, et homicides faits ſans nomber, et la peace meines bien garde, pur ceo que leſtatute, que le roy fiſt faire nadgares paſſes a Wynchester |Anno. 13. E. 1. |nad vaz eſte temue. Voet le roy qꝛ ceſt eſtatute ſoit de nouel enuoy en cheſcune countie, & ſoit lie & publie. tiñ. foits par an, auxi byen come les deux graund chaꝛteꝛs, & firmeñt gardes en cheſcune poynt, ſur les peynes que la eyns ſont aſſiſes.

assiles. Et a ceil estatute garder, & mainteiner, soient charges les treis chyualliers, que sont assignes par mie les counties pur rebzeller les choses faites encoūter les graūd charters, et de ceo eyent garrauntye ante. capit. 1.

¶ Wast. 8. Cap. 18.

¶ En droit des wastes & distructiōs faitz en gardes par eschetours, & subeschetours de mealons, boys, parkes, viuers, & de touts autres choses, que eschient en la mayne le roy. Droit le roy, que celuy que auer le dam reseeu, en briefe de wast en la Chancellarye bers leschetour de son fait, ou subeschetour de son fait, si eit de quoy respondē, & si nad de quoy, si respondē son soueraigne par auriel peine, quaunt as damages, come darraine ordeine est par estatute sur ceux que sount waste en gardes | Glos. capit 5. & Welm. 1. ca. 21.

¶ Liuere & Ouster le maine. 2. Cap. 19.

¶ De rechiefe la ou leschetour, ou le viscount seisient ē la maine le roy auters terres la ou il nad reason de seiser: et puis quaunt troue est la non reason, les issues du mesne temps ont este ceo en arrere retenus, & nemy rendus, quant le roye ad la maine ouste. Droit le roy que desormes, la ou terres sont issint seisies, & puis la maine ouste pur ceo q̄ il nad reason de seiser, ne ceo tener, soyent les issues pleinement rendus a celuy a q̄ la terre demurk, & auera le dam reseeu. 29. E. 1. De eschaetoribus.

¶ Ordeine est que nul orfeure Dengleterre ne aillours de la seignioury le roy, ne ouere, ne face decy en auaūt nul maner de vessel, ne iayalx, ne autre chose dor, ne dargent que ne soit de bone et veray alay, cestassauoir or de certaine touche, & argent del alay del esterlinge, ou de meliour alay, solonque la voluūt de celuy, a qui les ouercs sont. Et que nul oure pier argent que money. Et que nul manner de vessell dargent, ne departe hors des maines dez ouerours, tanqz el soit assay par les gardeinz de la meister, et auxi que el soit sign dun teste de Leopard. Et q̄ nul ne oure pire orc, que touche de Paris. Et q̄ les gardeins due meister allent de shoppe en shoppe enz les orfeoures, assaintz q̄ lor soit tiel cōe la touche auaūtdit. Et sils trouent nul pier q̄ la touche, que lour soit forfait au roy. Et que nul ne face anceaux, croix, ne firmaux. Et nul ne metz pier en or, si el ne soit maturel. Et que taillours dez aymanz, & dez ceux, rendant a chescun son poys dargent et dor auxi auaūt come ilz le purront seuer sur lour foialty. Et les ioyaux dor, que ils ont entermaines de veill ouere, que ilz les deliueront a plus tost que ilz purront. Et sils achatent desor en auaunt de mesme cell ouerage, que ils lachatent pur defere, & nemy pur reuender. Et touts les bones villes Dengleterre, la ou il y ad orfeures, que ils facent par mesme lestatut, cōe ceux de Lesidrez sont. Et que vn veigne de chescun vill par

par toutz a Londres, de quey lour covenra
toucha. Et si nulle oppeure soit atraint par
auterment le fact que dessus nost cadeyns
soit puny par prison, et par ransoñ a la vo-
lunte le Roye. Et en toutes les choses ses
suis ditz, et chescune de eles, voit le roye ses
ii, e son counsell, e toutz ceux que a ceste
ordeinement furent, que le dyvit et
la seignourie de la corone
saues luy soient par
toutes &c.

Explicunt Articuli super Chartas.

Statutum de Appellatis.

Note that this statute is in other printes
untruly entitled, Modus Le-
randi finis.

Appels. 7.

Item certi iustic in singulis com
regni ad assisas in eis capiend
de novo assignat. sint, simulque
ad deliberationem gaolarii eo-
rundem com in singulis adiuent
suis fac post captionē earūd as-
sisarū, put in statuto dñi regis inde confecto

plenius ꝯtinetur, per. E. 1. ca. 13. de finibus leuatis. ¶ Dominus Rex ad parliamentum suum apud Westm̃, Anno regni sui xxviij. p̃ pace firmius obseruand̃, felonibusq; celerius coercend̃, & p̃sonibus citius deliberand̃, ꝯ essit ordinauit, & statuit, quod quicunq; fuerint appellati per p̃batores existen̄ in gaolis, quas ipſi Justic. deliberant, & vbicunque in regno nostro ipſi appellati commorantes fuerint, aut latitãtes q̃ statim mandet vic. in quorum ballliua taliter appellati fuerint conuersantes aut poterint inueniri, p̃ breue domini regis sub testimonio corũdem iustic. q̃ talit appellatos capiant & ducere fac. ad gaolas vbi appellatores per quos appellati fuerint detenti & itidem coram ipſis Justic. respondeant. Et si ipſi appellati, se super patriam posuerint, similiter mandetur p̃ breue de iudicio per eosdem iustic. vic. in cuius ballliua felonie facte fuerint, de quibus appellãtur, quod venire faciat coram eisdem iustic. iiij^or^ quis. patrie ad eundem locum, vbi appellatores sunt detenti, ad certum diem. Et vic. et alij in quorũ custodia appellatores detinentur, admittant sine contradictione appellatos per eosdem p̃batores, cum idem appellati capti fuerint in forma p̃dicta, et ad ipsos appellatores adducti.

Sta-

Stat. de coniunctim feoffatis, Anno xxxiij. E. i.

Assise 9.

REX omnibus ad quos &c. salutem. Non est nouum quod nos inter ceteras legum nostrarum ordinationes quas temporibus nostris adinuenimus; pro vtilitate communi transgressiuas, quæ in breuibus nouis dissensiue contingit pro ceteris, in illis breuibus celeritas apponi decreuimus remedium. Et quia grauis pluries contingit, quod in assisa nouæ dissensionis tenentis tenuit contra querentem; quod tenet tenens pecia coniunctim feoffatis cum vxore sua non nominata in breui, aliquando cum aliquo extraneo qui similiter non nominatur in breui et profert chartam quæ hoc testatur; et petit iudicium de breui, consideratum est et statutum, quod si pars querens offerat verificare per assisam, quod die impetrationis breuis sui, ille qui talem exceptionem proposuit, fuit solus tenens, ita quod vxor sua, nec aliquis alius habuerit in prædicto tenemento, tunc iudicium, coram quibus prædicta assisa arraiata est, retineat prædictam chartam saluo in custodia eorum, quousque assisa inde inter vos transierit, vt illam quæ quasi dedicta est. Et scire faciant per breue nostrum sub eorum testimonio, parti absenti, quem charta

testatissimi cum tenente qui presens est coniunctim feoffatum, quod sit ad certum diem
responsurus, simul cum hac tota cartarii q-
renti tam de exceptione proposita, q̃ de tot
petitis et positis in billa, si sibi viderint expe-
dire. Ad quem diē si ambo qui dicunt tenen-
tes venerint, & feoffamentum illud aduoca-
verint, respondeant, & manu teneant exceptio-
nem hanc coram proposita, & similiter vl-
terius ad assisam, ac si breue originale super eos
coniunctim fuisset impetratum. Et si obiu-
getur p assisam quod exceptio illa in retar-
dationem iuris querentis malitiose sint propo-
sita, eo quod ipsi non fuerunt coniunctim fe-
offati de tot illis, die impetrationis dicti
breuis, tunc licet assisa illa transierit con-
tra tenentes et contra querentem, nihilominus
puniantur falsam exceptionem proponendo ad
tunc quod ipsi, & quia ipse creauit sibi cap
redemptionem, set caueat de cetero sibi ne
tale exceptione sic proposita p. balliuos ali-
quorum tenentium ad omnia. Si autem ille qui
exceptionē illam proposuit se ad diē illū absen-
tauerit, & alter qui dicit coniunctim feoffatus
cōparuerit, licet ipse comparens dictā cartā
aduocauerit, et dixerit se ipsum habere in p-
dicto tenemento coniunctim adiudicetur assisa de
tenemento illo capiendi per cuius defaltam, et si
conuincatur per assisam, qd ipsi non fuerunt
coniunctim feoffati, die impetrationis breuis
predicti, & si similiter conuincatur qd tenens
super quem breue fuerit impetratum, vel a-
lius nominatus in breui dicit illi querenti,

tunc

tunc habita cõsideratione ad exceptionem in lesionem partis falso et malicioſe ꝓpoſitam & ad diſſeiſinam per eos factam, pars querens recuperet ſeiſinam ſuam & dãpna ſua in duplo, et ꝓponentes illam exceptionem habeant penam ſupꝛadictam. Si autẽ neuter tenentium ad diem illum venerit, tunc ꝑ eoꝛum defalt̃ verſus eos capiatur aſſiſa. Et ſi compertum ſit per eandem, quod exceptio illa vere & rite ſit ꝓpoſita, quia ipſi qui eã ꝓpoſuerint fuerunt coniunctim feoffati antequam querens breue ſuũ verſus eos impetrauerit, nõ ꝓcedatur vlterius ad aſſiſã ſed caſſetur breue querentis. Hoc idem obſeruetur ſi ambo vel vnus tm̃ venerit, ſi cõperiat̃ per aſſiſam, qõ exceptio pred̃ (vt pꝛedict̃ eſt) veracit̃ fuit ꝓpoſita. Eodo modo ſtatutum & concoꝛdatum eſt, quod in aſſiſis moꝛtis anteceſſoꝛis, & breue de Iuris vtrũ, ad pꝛimum diem quo partes comparuerint in curia, ſi tenens ꝓponat pꝛedictam exceptionem contra petentem, & de hoc pretendit chartam, et petens offerat verificare ꝑ aſſiſã vel iuratã, qõ die impetrationis breuis ſui ille qui talem exceptionem ꝓpoſuit, fuit ſolus tenens, extunc idem pꝛoceſſus & modus pꝛocedendi ſeruetur in iſtiuſmodi aſſiſis moꝛtis anteceſſoꝛis, & breue de Iuris vtrũ, qui ꝓdinat̃ eſt, & ſtatut̃ in aſſiſis no. diſſeiſ. Et eadem pena delinquentibus & committis infligat̃. In aliis vero breuib̃ ꝑ que tenementa petuntur, talis fiat pꝛoceſſus, qõ ſi ꝑmo die quo partes cõparuerint in cur̃ tenẽs

proponat exceptionem predictam de contuncto feoffamento & petens offerat verificare per iuratam patrie, quod die impetrationis breuis sui ille qui exceptionem illam proposuit fuit solus tenens, tunc idem processus & modo procedendi seruet inter partes, quousque iurata inde inter eas transierit. Et si comperiatur per iuratam, quod exceptio illa veraciter fuerit proposita, tunc cadet breue petentis. Et si comperiatur per iuratam, quod exceptio illa falsa & malicioſe, in lesionem partis fuit proposita, tunc petens recuperet seisinam suam de tenementis petitis, et tenens puniatur per penam superadictam in assisa noue disseisine, quoad prisonam, & quoad dãpna secundum discretionem Justic. Et volumus & concedimus, quod istud statutum incipiat locũ tenere in crastino sancti Petri aduincula primo futuro.

¶ Indicauit.

¶ Quia etiã lites in curia Christianitat hactenus indebitas dilationes multociens sortiebantur, per hoc quod breue nostrum quod vocat Indicauit, iudicibus talium litium in initio carũ dilatum fuit, & super hoc capitalis Justic. nostr̃ ad consultationem super tali processu faciendã, rite seu debito modo nequit procedere, concordatum est, quod tale breue Indicauit alicui de cetero non concedat̃, antequã lis in curia Christianitatis inter partes fuerit contestata, et quod per inspeccionem libelli Cancellarius

nostr

noſter certiozetur ſuper hoc. In cuius rei teſtimonium has litteras noſtras fieri fecimus patentes. Teſte me ipſo apud Weſtm̃ 27. die Maij. Anno regni noſtri 34.

¶ Explicit ſtatut̃ de coniunctim feoffatis.

¶ Statut' de frangentibus priſonam, editum Anno. j. E. primj. ij.

Felony. 2.

DE priſonarijs priſonã frãgentibus, dominus rex vult & precipit, qd̃ nullus de cetero qui priſonam fregerit, ſubeat iudiciũ vite vel mẽbrozum pro fractione priſonis tantum, niſi cauſa pro qua captus & imprizſonatus fuerit, tale iudicium requirat, ſi de alia ſecundum legem et conſuetudinem terre fuiſſet convictus, licet temporibus preteritis aliter fieri conſueuit.

Finis.

¶ Articulus statuti Gloc', correctus pro Ciuibus Londoñ, de forensicis vocatis ad warē in Hustingo Londoñ. [9.E.2.]

¶ Voucher. 7.



Memorandum cest enclement fait hõe enpleé en la cite de Lõdres vouche forreins a garrãte, le Maior et les bailifes maignēt les ptíes deuant Justices de banke au certein iour, & enuoient la lour recordé. Et les Justices fac somm̃ le garē de-uant eux et pledent le garē. Et le Maior & les baillifes en dementiers surcessent a la parolle que est deuañt eux per briefe iesque a tannt que la parolle de la garē soit termine deuaunt Justices du banke. Et quant la parolle serra termine en banke, serra dit al garē, que il voise en la cite, et respoigne i del chiefe plee. Et le demaūdé per sa suit eit des Justices de banke au Maior & eux baillifes que ilz voisent auañt en le plee. Et si le demaundé retrouer veign̄ le tenant sur Justic de banke, et eit briefe au Maior & as baillifs que si le tenant eit sa terre pardu, que ilz facent extendre la terre, et retournent lextent au banke au certeine iour, apres soit maūdé au bilcount du pais, ou le garē fuit somñ, que

que il face auoir de la terre du garraunt a la balance. Et ſil auegñ que l'tenant face defaut au iour que luy eſt doñ en banke, donques illera briefe dez Juſtices du banke as Maiors & bailliſes de prendre le teneñt demaunde, en la maine le roy per le petit capñ, & de ſimñ le tenant q̃ il ſoit al Huſting au certaine iour, dont les Juſtices ſerñ auiſez, a renõ iudgement de cel defaut, ſil ne la puiſſe ſauer, & ſil la puiſſe ſauer, adonques les Juſtices ſoient de ceo certifies per lour recoꝛd, & les Juſtices per lour recoꝛd piedent le garr.

Memoꝛandum qõ iſte articulus in foꝛma predicta conſignatus fuit ſub magno ſigillo dñi E. filij regis E. anno regñ ſui nono, & miſſus Juſtiõ de banco in modñ bñis patentis cum quod dam bꝛeui clauſa ſub data regis apud Weſtñ ſecundo die Maij anno predicto, quos ipſi omnia et ſingula in articulo predicto contenta facerent et exequierentur. Non obſtante quod articulus ille in omnibus cum ſtatuto Gloꝛ ca. 12. non concoꝛdat.

Finis.

¶Articuli cleri edit', Añ. ix. E. ij.

EDward⁹ dei gratia rex Anglie &c. omnibus ad quos p̄sentes litere peruenerint salutē. Sciatis quod cū dudum temporibus progenitorum nostrorum quondā regū Anglie, in diuersis parliamentis suis, & similiter postquā regni nostri gubernacula suscepimus, in parliamentis nostris, per p̄latos, & clerum regni nostri plures articuli continentes grauamina aliqua ecclesie Anglicane, et ipsis p̄latis & clero illata, vt in eisdem asserebatur, porrecti fuissent, et cum instantia supplicatum, vt inde apponeretur remedium oportunum: ac nuper in parliamento nostro apud Lincolñ anno regni nostri nono, articulos subscriptos, et quasdam responsiones ad aliquos eorum p̄tus factas, coram cōsilio nostro recitatī, ac quibusdam respōsiones correcti, & ceteris articulis subscriptis per nos & dictū consiliū nostrū fecerimus respondere: quorum quidem articulorum & responsionum tenores subsequuntur in hunc modum.

¶Prohibition. I. cap. I.

IN p̄mis laici impetrāt p̄hibitiones in genere super decimis, obuentionibus, oblationibus, mortuariis, redēptionibus, penitentiarū, violenta manuū iniectione in clericum vel conuersum, et in causa diffamationis: in quibus casib⁹ agitur ad penam canonicam imponendam: Rex ad istum articulū respon-

respondit, quod in decimis, oblationibus, obventionibus, mortuariis, quando sub istis nominibus proponit, prohibitione regie nō est locus: etiamsi propter detentionem illorū diuturnam ad estimationē eorundē pecuniarii veniat. Sed si clericus vel religiosus decimas suas in horreo suo congregatas, vel alibi existentes vendiderit alicui pro pecunia ꝛ peratur pecunia coram iudice ecclesiastico, locum habet regia prohibitio, quia p venditionem res spirituales fiunt temporales, & transeunt decime in catalla.

Prohibition. 1. Cap. 2.

¶ Item si sit contentio de iure decimarum orginē habēs de iure patronatus, & earūdē decimarū quantitas, ascēdat ad quartā partem bonorū ecclesie, locum habeat regia prohibitio, si hec causa coram iudice ecclesiastico ventiletur. Item si prelat imponat penā pecuniariā alicui p peccat & repetat illā, regia phibitio locum habet. Veruntamen si prelati imponant penitētias corporales, & sic puniti velit hmōdi penitētias p pecuniā redimet sponte, non habet locū regia phibitio, si coram prelatis pecunia ab eis exigatur.

Prohibition. 1. Cap. 3.

¶ Insup si aliquis violētias manꝰ iniecerit in clericū p violētia facta, debet emenda fieri coram rege, pro excōmunicatione vel, coram prelato, vbi imponat penitentia corporalis, & si reꝰ velit spōte p pecuniā redimet dāno prelato vel lesо, potest repeti coram prelato, nec in talibus regia prohibitio locum habet.

Pro-

Prohibicion. I. Cap. 4.

¶ In diffamationibus etiam corrigāt plani supradicti modo regia phibitione nō obstāte primo iniungēdo penā corporalē, et si reus velit redimere libere percipiat prelat⁹ pecuniam, licet regia prohibitio porrigatur.

¶ Prohibicion. I. Cap. 5.

¶ Item si aliquis in fundo suo molendinū erexit de nouo, et postea a rectore loci exigat decima de eodē, exhibetur regia prohibicio sub hac forma. Nz de tali molendino hactenus decime nō fuerūt solute, phibemus &c. et sententiā excōmunicationis, si quā hac occasione promulgaueritis, reuocetis omnino. ¶ Respōsio. In tali casu nūq̄ extitit regia prohibitio de principis voluntate: qui et decernit talē perpetuo non exire.

Iurisdiction. I. Cap. 6.

¶ Item si aliqua causa vel negotiū, cuius cognitio spectat ad forū ecclesiasticum, et corā ecclesiastico iudice fuerit sententialiter terminata, et transierit in rem iudicatam, nec p appellationē fuerit suspensū, et postmodū corā iudice seculari super eadē re inter easdem psonas questio moueatur, et probetur p testes vel instrumenta, talis exceptio in foro scl'ari non admittatur. ¶ Respōsio. Nō ex ad causa diuersis rationib⁹ corā iudicib⁹ ecclesiasticis, et secularibus vtilatur vt supra patet de iniectione violenter manuū in clericū, dicunt qđ (nō obstante ecclesiastico iudicio) cui regis ipsū tractat negotium, vt ad expedire videtur.

Excom-

Excommengerent. 2. Cap. 7.

¶ Item littera regia ordinarijs dirigitur, qui aliquos suos subditos excommunicationis vinculo innodari fit, qđ eos absoluāt infra certum diē: alioquin qđ cōparcat respōsi. quare eos excommunicauerunt. ¶ Respōsio. Rex decernit, qđ talis littera nūquā in posterū exire permittatur, nisi in casu in quo per statutum reperiri, ledi per excommunicationum regiam libertatem.

¶ Residence. 1. Cap. 8.

¶ Item barones de scaccario domini regis vendicantes sibi ex priuilegio, qđ non debēt extra illum locum cōquerenti cuiquāq; respondere, extendunt illud priuilegium ad clericos commorantes ibidem, vocatus ad ordines, seu ad residentiam, a dioecesanis inhibeant, ne aliquo modo, aliquaue ex causa, dū sint in scaccario ex in seruitio domini regis, trahant ad iudicū quouismodo. ¶ Respōsio. Placet domino regi, vt clerici suis obsequijs intendentes, si delinquāt per ordinarios (vt ceteri) corrigantur, sed tempore quo occupantur circa scaccarium, ad residentiam in suis faciendam ecclesijs non tenentur. Hic additur de nouo, per consilium domini regis. Rex & antecessores sui a tempore cuius contrarij memoria non existit, sibi sunt, quod clerici suis immorantes obsequijs, dum obsequijs illis intenderint, ad residentiam in suis beneficijs faciendam minime compellantur: nec debet dici tendere in preiudicium ecclesiasticæ libertatis, qđ pro rege

et re-

republica necessarium inuenitur.

¶Distres.9. Cap.9.

¶Item ministri dñi regis,vt vic.& alii, ingrediunt feoda ecclesie ad faciendū districtiones,& aliqñ capiūt animalia rectorum in via regia qñ nō habent nisi terram pertinent ad ecclesiam. ¶Responsio. Placet dño regi /nc/de cetero districtiones fiant huiusmodi nec in via regia,nec in feodis quib⁹ olim ecclesie sunt dotate. Aliter tamen districtiones fieri in possessionibus de nouo a personis ecclesiasticis acquisitis.

Abiuration.3. Cap.10.

¶Itē quandoqz aliqui confugientes ad ecclesiā abiurant terrā, secōm regni consuetudinē,& p̄sequūtur laici eos, vel inimici eorum,& a publica strata abstrahuntur,& suspendunt,vel statim decapitant,& dū sint in ecclesia custodiūtur p armatos infra cemiterium /& /quandoqz infra ecclesiam ita arcte,qñ non possint exire locū sacrū causa superflui pōderis deponendi nec p̄mittt eis necessaria ad victus ministrari. ¶Responso. Qui terrā abiurauerīt,dū sint,in strata publica, sint in pace dñi regis,nec debēt ab aliquo molestari:& dū sint in ecclesia, custod coīū nō debent mozari infra cemiteriū, nisi necessitas, vel exalionis periculū hoc requirat,nec arcent cōfugē,dū sint in ecclesia,quin possint habere vite necessaria:& exī libere p obscenō pondere deponendo.

Appelles.6.

¶Placet etiam dño regi,vt latrones, vel appel-

appellatores, quecunq; voluerint, possint sacerdotibus sua facinora confiteri: sed cauent confessores, ne erronice huiusmodi appellatores infoment.

¶ Monasteries. 3. cap. 11.

¶ Item petit, qđ dñs rex, & regni magnates non onerent domos religiosas, vel ecclesiasticas personas p̄o cōrodijs, pensionibus, vel prehendinationibus faciend̄, in domibus religiosis, & alijs locis ecclesiasticis, cariectis & equis sibi mittend̄, cum per hoc predicte domus depauperent̄, cultusq; diuinus in hac parte diminuat̄, & propter hm̄odi onera compellunt̄ sepissime p̄sbiteri, & alij ministri ecclesiastici diuinis officijs deputat̄, a locis recedere supiad̄. ¶ Responsio. Placet dño regi quod sint contentis in petitione, de cetero indebite non onerent̄. Et si p̄ magnates, aut alios cōtra fiat, habeant inde remedium iuxta formam statutorum tēpore dñi. E. regis patris domini regis nūc editorū: & fiat consimile remediū de cōrodijs & pensionibus p̄ cohertionem exactis, de q̄bus non fit mentio in statutis.

¶ Excommengement. 3. cap. 12.

¶ Item si aliqui de familia domini regis vocantur coram ordinarijs extra parochiam in qua degunt, si propter suam contumaciam manifestam excommunicentur, ac post. xl. dies p̄o eorum captione scribatur, pretendunt ipsi priuilegiatos, quod extra villam seu parochiā suam non debent vocari, et sic denegat̄ hūc regiū p̄o captione eorundē. ¶ Responsio,

Numquam fuit negatū, nec negabitur inſtu-turum.

¶Abilitie & nobilitie 1. Cap.13.

¶ Item petitur qđ perſone eccleſiaſtice, quas dominus rex ād beneficia ꝓmet eccleſiaſtica, ſi epiſcopus eas non admittat, vt puta ꝓpter defectum ſcientie, vel aliam cauſam rationabilem non ſubeant examinationem laicarum perſonarum in caſibus antedictis, ꝓout his temporibus attentatur de facto, contra canonicas ſanctiones: ſed adeant iudicem eccleſiaſticum, ad quem de iure pertinet, ꝓ remedio, ꝓout iuſtum fuerit, conſequendo. ¶ Reſponſio. De idonietate perſone preſentate ad beneficium eccleſiaſticum pertinet examinatio ad iudicem eccleſiaſticum et ita hactenus vſitatum, & fiat in futurum.

¶Election.2. Cap.14.

¶ Item ſi vacet aliqua dignitas, vbi electio eſt facienda, petitur quod electores libere poſſint eligere, abſque incuſſione timoris a quacunq; poteſtate ſeculari: et quod ceſſant preces, & oppreſſiones in hac parte. ¶ Reſponſio. Fiant libē, iuxta formam ſtatutorum et ordinationem. W.1.cap.5.

¶Clergie.3. cap.15.

¶ Itē licet clericus coram ſeculari iudice iudicari non debeat, nec aliquid contra ipſum fieri, per quod ad periculum mortis, vel ad mutilationem membrorum valeat peruenire ſeculares tamen iudices clericos ad eccleſiam confugientes, & reatus ſuos forte confitētes

faciunt

faciunt abiurare regnum; & coꝝ abiurationes admittūt ex illa causa, quāꝯ coꝝ iudices sup his non cruāt: licꝫ dat laicis indirecte potestas hmodi clericos cruciandi, si ipsos post hmodi abiurationē in regno cōtigerit inueniri sup quo petūt ꝓuideri, & clero tale remedium adhiberi, vt immunitas ecclesie, & ꝑsonarū ecclesiasticarū conseruāt illesa. ¶ Ad quę respōdio. ¶ Clerici ad ecclesiā cōfugientes ꝓ felonia ꝓ immunitate ecclesiastica obtinēda, si asserit se esse clericū regnū nō cōpellantur abiurare, sed legi regni se reddēs gaudebit ecclesiastica libertate, iuxta laudabilē cōsuetudinē regni hactenus vsitatam.

¶ Clergie. 4. Cap. 16.

¶ Item quāquam confessio, coꝝm illo qui non est iudex, confitentis, iudicium non teneat, nec sufficiat ad faciendum processum, vel sententiam proferendā: quidam tamen seculares iudices, clericos qui de foro sue in hac parte non existunt, reatus ꝓprios, et enormes, vt puta furta, robberias, homicidia coꝝm eis cōfitentes, admittunt accusationē illoꝝm, quam ipsi communiter vocant appellum ipsos sic confitentes; & accusātes, seu appellū facientes non liberant ꝓlatis ecclium post premissa, quāquā sup his fuerint sufficienter requisiti, licet coꝝm eis etiam ꝑ confessionem ꝓpriam iudicari vel condemnari nequeant, absq; violatione ecclesiastice libertatis. ¶ Respōdio. Appellatorum forma debita tāquā clerico, ꝑ ordinarium petito libertatis ecclesiastice beneficium non negabitur.

Nos desiderãtes statui ecclesie Anglicane, & tranquilitati, et quieti prelatorum et cleri predictorum (quaterus de iure poterimus) prouideri ad honorem Dei, et emendationẽ status dicte ecclesie & prelatorum & cleri p̃dictorum, omnes et singulas responsiones predictas, ac omnia & singula in eisdẽ respõsionibus contenta ratificantes & approbantes, ea pro nobis et heredũ nostris cõcedimus & precipimus in perpetuum inuiolabiliter obseruari, volentes et concedentes pro nobis & heredũ nostris, quod predicti prelati, & clerus et eorum successores in perpetuũ in p̃missis iurisdictionem ecclesiasticam exerceant, iuxta tenorem responsionum predictarum, absq; occasione [ecclesie] inquietatione, vel impedimento nostri, vel nostrorum heredũ, seu ministrorum quorũcunq;. In cuius &c. Teste &c.

Expliciunt Articuli cleri.

¶ Statutum Eborac. edit' anno. xii. Ed. 2.

Pur ceo que plusours gentes du royalme Dengleterre, et de la terre Dyrlande, oũt auant ceus heures souent foites, suffertes mischiefe, dañ, et disheritons par enchea-

enchealon de ceo que en aſcun cas ou defaut
ſuit en ley, remedy ne ſuit tẽdeigñ : & auxint
pur ceo que aſcũs pointes des eſtatuts auãt
faits auoiẽt meſter declariſment: Mẽ le ſeig-
niour le roy Edward, fitz au roy E. deſirãt
plenier dꝛoit eſtre fait a ſon people, a ſõ par-
liament a Euerwike, a trois ſemaignes de
ſaint Michell, ian de ſon reigne xij. y aſſent
des pꝛelates, countes, barons, et le commu-
naltie de ſon royalme, illoniques aſſembles
fiſt les eſtabliſhmentes et les eſtatutes, que
ſenſuent, les queux il voet que en le dit
royalme et en la dit terre ſoyent fiꝛmement
tenus.

¶ Aſſiſe. 8. Cap. 1.

¶ En ꝛimes pur diuers pꝛiſchicles, quant
ount eſte de ceo, que les tenants en aſſyſes
de nouel diſſeiſin, ne puiſſent auãt ceux heurs
faire attoꝛneis, accoꝛde eſt, que les tenantes
en aſſiſes de nouel diſſ. puiſſent faire attour-
neis. Et ne entendõ my le roy par taunt, que
les tenantz et les defendõ en aſſiſe de no diſſ.
ne puiſſent pleiõ par bailifs, ſils voilliẽt, cõe
auant ſoilent.

Witnes. 1. Cap. 2.

¶ Et enſement accoꝛdõ eſt, que quant chẽe
quite claim, acquitance, ou autre eſcript ſoyt
dediſt en la court le roy, en queux ſount teſ-
moigñ noſmes; ſoit pꝛocés fait de faire veñ
les teſmoigñ, come auant ad eſte vſe, iſſint q̃
ſi nul veigñ a le graunde diſtreſſe ſur eux re-
tourne, ou retourne ſoit que ils nount riens, ou
ne ſont trouez: que adonques ne ſoyt leſſe le

prise del enquest par absence de ceux tesmoign
Et si les tesmoignez deignount par le grãd
distresse, e lenquest prise ascune enchesaon, re-
maigne apprendre, soit en le iour dosn a ceux
tesmoignes, qux illint viendront q est dosn
a lenquest prendre cel iour si les tesmoignes
ne viendront, soient iour illues primes sur
mes retornes forfaites, et la prise del enquest
ne remaigne a prendre par lour absence. Et
par le absence des tesmoigns, qux lor deuns
franchisez ou hostes le roy originall ne voilt
ne soit le prise del enquest telle.

Cap. 3.

Et come il soit conteign en lestatut fait
a Westminster, le second iour de Aprill, lan
du raign le roy prent nostre seignour le roy
que ore est xxviii. de finibus leuatis. cap. 4.
que les enquests et les reconisances deuant
Justices de lune banke et de lauter aiudgez
fuissent prises deuant ascune des Justices
des places, assocs a luy vn chiualer del coun-
tie ou les enquests serrount apprendres, si les
enquests le feissent de graunde examinemẽt
et que en tiels enquestes soit fait si come les
Justices verount que soit affaire au profito
del roialme; le quel estatut ad mester destre
meur declare. Accorde est, que les enquestes
et iurres, queux serrount ou soient appren-
dres en plee de terre, queux ne sont impe de
graunde examinement, soient prises en pais
deuant vn Justice del place ou le plee est, a
socie a luy vn prie homme del pais, chiualer
ou autr, issint q cesty en iour soit dosn en banke

et

et certeine iour & lieu en pais en ꝑsence des parties, sl le demaũd le pꝛie. Et auxi les enquestes et iures en plee de terre, que demaunde graunde examinement, soyent pꝛises en pais, en la foꝛme suisdit, deuaũt deux Justices de banke.

¶Nisi prius. 3. Cap. 4.

¶Et eit le Justice, ou les Justicez poyar deꝛtoꝛ̃ nonsuites, et defautes en pais, as iours & lieux queux serront assignes, acome desuis est dit. Et cco que ils aueront fait en les choses suisdits soit repoꝛte en banke au iour doñ, et illonques enrolle, & sur c̃ iudgement rendus. Et nentenꝺ my le roy, que les dits inquests et iures ne puissent estre ꝑses en banke, sils beiguont, ne que cest estatute soy extende as graundez assisez. Et auxi vn Justice de lan place ou de lauter, associe a luy vn pꝛode home du pais chiualer ou auter, a la request del pl' pꝛeigna les enquestes des plees pledes & a pleder, queux sont mouues per attachement & distres, et eit poyar de recoꝛder nõsuits, cõe desuis est dit, & pꝛẽder les enquests per defautes illoñs faitz. Et quant a les assises de darreine pꝛesentment & les inquestes sur briefe de quare impedit pꝛendꝛes soit fait come est cõteigñ en le vj. estatute de Westminster cap. 30. Et eiẽt les iustices poiar a recoꝛd nonsuites et defautes en pais, et sur cco iudgement donꝛ coñ en banke, & soit repoꝛt en banke cco que ils ont faits, et illonqs soient enrolle. Et si aueigñ que le Justice, ou les Justices,

queux sont où serront assignes dappzender
lez inquests en paiz ne veignõt, ou si veign
en pays au iour assign iadeinaynes lez par-
ties & les gents des inquests gardent iour
iour en banke.

¶ Retornes &c. 3. Cap. 5.

¶ Et pur ceo q̃ souẽt pleintz oĩt este faits
en la court le roy, que les retoznes, queux
baillifes des fraunchise, queux ount pleyne
retourne del bzeue le roy, ount iuẽes as vis-
conts, apzes ount este chaunges, et en auter
manr retoznes en la court del roye, a dam
des ascuns del parties, & en delaiãce d̃ dzoi-
ture. Accozd̃ est, que des retoznes, queux de-
zoze se serront as viscounts per baillifes de
tiels fraũchises, soit fait indenture parmy
le baillife del fraunchise nosme per son pzo-
per nosme, et le viz nosm̃ p son ꝓper nosm̃.
Et si le viz̃ change le ret̃ issint liuer a lay
p endenture, et de ceo soit attaint al suit del
seignioũr du fraunchise, dount il ad tiel re-
tozne resceu, si le seigniour auera dam en-
curruz, ou sa fraunchise soit emblemy, & a le
suite del partie que auera dam encurrue per
cel encheason, soit punie deuers le roy come
de faux retozn̄, et rende al seigniour et a le
party dam̃ au double. Ancint est accozd̃, que
deuze les viz̃, ou auters baill̃ q̃ux resceyu-
uont bz̃es le roy retozn̄ en sa court, mettent
lour pzoper nosmes oue les retoznes, issint
que la court puisse sauer a que ilz pzendzont
tiels retoznes si mes̃ soit. Et si ascun vis-
cont, ou auter baillife en ses retournes en-

terielle

teriella son noſſn, ſoit il greuouſſm̃t amercy al oeps del roy.

Gvraites. I. Cap. 6.

¶ Enſement pur cõmon p̃ofite du people accoꝛd̃ eſt, que nul miniſter en citie, ne boꝛough, que per reaſon de ſon office doit gard̃ aſſiſes des viuers, et des vitailes, entãr cõe il ſerra attendant a ceſ office, ne merchand̃ vines ne vitails in groſſe ne a retaill'. Et ſi aſcun le face, et de ceo ſoit attaint, le merchandiſe doũt il ſerra attaint ſoit foꝛfait au roy, & la tierce partie ſoit luer, come del doñ le roy a celuy a qui ſuite le treſpaſſour ſerra iſſint attaint. Et en tiel cas ſoyt reſceu celuy que voudꝛa ſuer pur tiel choſe atteind̃. Et chaunceil', treaſoꝛer, barons del eſquequer, Juſtic̃ de lun bañke & de lauter, & Juſtices aſſigñ ad aſſiſes p̃ender reſceyuent tiels pleints per bꝛeues & ſauns bꝛieues, et les termineront, et par facent touts les choſes cõteigñ en ceſt article en le foꝛme auantdit. Et lademain̄ puis le roy aſſigñ ſes Juſtic̃ a ceſ choſe parfoire en cities, & boꝛoughs, quant & la ou luy plerra.

¶ Explicit ſtatutum Ebor̃.

¶ Statutum

¶Statutum d' Essoñ calumñ; edit. Anno. xij. E. 2.

¶Essoiñ. 12. Cap. 1.

Ic demonstratur quot modis essoñ sunt calūniandō, & in qb⁹ casibus essoñ non iacet, videlicet non iacet essoñ, qa tra capta est in manum dñi regis. ℔on iacet essoñ, qa district⁹ est per tras. ℔ō iacet essoñ, qa cōcellū est hinc iudicium, si iurata veniāt. ℔ō iacet essoñ, qa vel⁹ fuit in curia. ℔ō iacet ō vltra mare, qa alias se essoniauit de malo veniēdi. ℔ō iacet quia alias se essoniauit tali die. ℔ō iacet, qa ꝓcept fuit biceconuti, qō faceret cum venit. ℔on iacet de seruitio domini regis, quia femina, nisi qua nutrit, obstitrix, aut mittat p breue ad ventrem inspiciendam. ℔on iacet in breui de dote, quia videtur deceptio, & ꝓrogatio iuris. ℔on iacet quia talis querens non inuenit plegios de ꝓsl. ℔ō iacet, quia attorñ fuit essoniat. ℔on iacet, quia habet attorñ in loquela. ℔on iacet, quia essoniator testator, quod non est in seruitio domini regis. ℔on iacet quia soñ testificat non est, vel pars non attachiat, eo qō dñs mādauit quod non est inuent. ℔on iacet, qa alias se essoñ de seruitio domini regis, scilicet tali die / et / modo non misit warrantum. ℔ō iacet, quia vesum fuit in vltima ꝓsentatione, vel

vel mobile antecellentis. Non tacet, qd talis nō nominatur in brevi. Nō tacet, quia præd fuit brē quod distringat cum venire p̄ tras et catalla. Non tacet, quia mandat fuit tali episcopo, quod taceret cum venire. Nō tacet quia terminus p̄teriit. Et sciendū est, quod ecclesiæ de seruitio domui regis allocātur post magnum cap̄, post parvum Cap̄, et post districtiones factas p̄ terras & catalla.

Prærogatiua regis, edit Ann xvij. Edwardi. ij.

Wardes. 13. Cap. 1.

DOminus rex habebit custodiam, omnium terrarum eorū qui de ipso tenent in capite per seruitium militare, de quibus ipsi tenentes fuerunt seisit in dominico suo vt de feodo, die quo obierunt de quocunq; tenuerint per huiusmodi seruicium, dum tn̄ ipsi tenuerint de rege aliquo tenu ad antiquo de rozona, vsq; ad legitimam etatem hæredis exceptis feodo archiepi Cantuar̄, epi Dunolm̄ inter Tine & Tese, feodis Com̄ & baronū de marchia de terris in marchia vbi breuia dñi regis nō currūt, & vnde

& vnde prædicti archiepus, epus, com, & baro, habeant hmodi custodiam: licet alibi tenuerunt de rege.

¶ Wardes. 14. Cap. 2.

¶ Item rex habebit maritagiū hered infra etatem & in custodia sua existen, siue terre hered eorum sint ab antiquo de corona, siue de escaetis, q sunt in manu domini regis, siue habuerint maritagium ratione custodie terarum dnorū eorundem heredū, nullo habito respectu ad priorit atem feoffamenti, licet de aliis tenuerint.

¶ Primer seisin. 1. Cap. 3.

¶ Item rex habebit primam seisinam, post mortem eorum, qui de eo tenent in capite, de omnibus terris & tenementis, de quibus ipsi fuerūt seisiti in dominico suo vt de feod, cuiuscunq etatis heredes ipsorum fuerint, capiendo omnes exitus eorundem terrarum et tenementorum, donec facta fuerit inquisitio, postea mortis est, & reperit homagium huiusmodi heredum.

¶ Women. 1. cap. 4.

¶ Item assignabit vduus post mortem virorum suorum, q de eo tenuerint in capite dotem suam quę eas contingit &c. licet heredes fuerint plene etatis, si vidue ille voluerint. Et vidue ille ante assignationem dotis sue prędicte, siue hered plene etatis fuerint, siue infra etatem, iurabunt quod se non maritabūt sine licentia regis. Et si se maritauerint sine licentia regis, tūc rex capiet in manum suam nomine districtionis omnes eras & tri

et tenẽ, que de eo tenent in dotem, donec satisfecerint ad voluntatem domini regis: ita quod ipsa mulier nihil capiet de exitꝫ &c. quia sal quousqꝫ per huiusmodi districtiones huiusmodi mulieres seu viri earum finem faciant regi ad voluntatem suam. Et illa voluntas tẽpore regis H. patris regis E estimari consueuit ad valentiam predicte dotis per bonum annum ad minus nisi vberiorem gratiam habuerint. Mulieres que de rege tenent in capite aliquam hereditatem, iurabunt similiter (cuiuscunqꝫ fuerint etatis) quod se nõ maritabunt sine licentia regis. Et si fecerint, terre et tenẽ ipsarum eodem modo capiantur in manum dñi regis, quousqꝫ satisfecerint ad voluntatem domini regis. Magna Charta cap. 7.

¶ Partition. 1. cap. 5.

¶ Et si vna hereditas, que de rege tenetur in capite, descendat pluribus participibus, tunc omnes illi heredes faciant homagium regi, & illa hereditas que de rege tenetur, participabitur inter heredes illos, ita quod quilibet eorum extunc partem suam tenebit de rege.

¶ Wardes. 15. cap. 6.

¶ Si mulier ante mortẽ antecessoris sui qui de rege tenet in capite, ante annos nubiles maritata fuerit, tunc rex habebit custodiã corporis illius mulieris vsque ad etatem, quod consentire possit: & tunc eligat ipse vtrũ maluerit habere virum illum, cui prematrimonio fuerit, vel alium, quẽ rex ei obtulerit.

Alienation

Alienation without licence. 1. & 2. cap. 7.

¶ Nullus qui de rege tenet in capite per seruicium militare, potest alienare maiorem partem terrarum suarum, ita quod residuum non sufficiat ad faciendum seruicium sium, sine licentia regis. Sed hoc non cõsueuit intelligi de membris et particulis earundem terrarum.

¶ De seriantijs alienatis sine licentia regis, consueuit rex arentare huiusmodi seriantijs per rationabilem extentam inde faciendam.

¶ Anowson. 2. cap. 8.

¶ De ecclesijs vacantibus, quarum aduocationes spectant ad regem, & alij presentauerint ad easdem, ita quod contentio inter dominum regem et alios oriatur, si rex per considerationem curie presentationem suam recuperauerit licet post lapsum sex mensium a tempore vacationis, nullum occurrit ei tẽpus, dum tamẽ rex presentauerit infra tempus sex mensium.

¶ Fooles. 1. cap. 9.

¶ Rex habebit custodiam terrarum fatuorum naturalium, capiendo exitꝰ earundem, sine vasto & destructione, & inueniet eis necessaria sus de cuiuscunqꝫ feodo terre ille fuerint. Et post mortem eorum reddat eam rectis heredibus, ita quod nullatenus per eosdem fatuos alienentur, nec quod eorum heres exheredetur.

¶ Fooles. 2. cap. 10.

¶ Item rex prouidebit, qñ aliquis q̃ pro habuerit

habuerit memoziam et intellectum; nisi fuerit compos mentis sue, sicut quidã sunt per lucida intervalla, quod terre et tẽi ipsi[us] saluo custodientur: sine vasto & destructione et quod ipsi & familia sua de exitibus eozundem vivant & sustineant competenter, et residuũ vltra sustentationem eozundẽ rationabiliter custodiatur ad opus ipsozum, liberandũ eisdem quãdo memoziam recuperauerint, ita quod predicte terre et tẽi infra predictum tẽpus nullatenus alienentur: nec ter aliquid de exit perciptat ad opus suum. Et si obierit in tali statu, tunc illud residuum distribuatur pro anima ejusdem, per consilium ordinarij.

¶ Wrecke. 2. cap. 11.

¶ Item rex habebit wrecum maris per totum regnum, balenas, & sturgeones captos in mare vel alibi infra regnum, exceptis quibusdam priuilegiatis locis per reges.

¶ Eschete 1. cap. 12.

¶ Item habebit escaetas de terris Normanozum, cuiuscũq; feodi fuerint, saluo seruitio, quod pertinet ad capitales dños feodi illius. Et hoc similiter intelligendũ est si aliqua hereditas descendat alicui nato in partibus transmarinis, et cuius antecessozes fuerunt ad fidem regis Francie vt tẽpoze regis Johannis, & nõ ad fidẽ regis Anglie: sicut cõtingit de baronia Monumẽte post moztem Johannis de Monumenta, cuius heredes fuerint de Britann & alibi. De feodis aliozum recupe-

ſecuperauit rex Henricus plures eſcaetas de terris Normannorum occaſione predicta, et eas contulit tenentibus de capitalibus dominis feodi per ſeruitia inde debita et conſueta.

¶ Intrusion. 1. cap. 13.

¶ Quãdo aliquis, qui de rege tenet in capite in fata decedat, & heres eius ingrediatur ten̄ quod antecessor suus tenuit de rege die quo obijt antequam fecerit homagium regi, & ſeiſinam ſuam ceperit per regem, tunc nullum accreſcit ei liber̄ ten̄. Et ſi obierit ſeiſitus, idem tempus erit eius non habebit dotem de ten̄ illo: ſicut contingit de Matilda filia comitis Herefordi uxoris Manuſcalli marescalli, qui poſt mortẽ Wilhelmi Marescalli Anglie fratris ſui cepit ſeiſinam caſtri & manerij de Scrogoill', & obijt in eodem caſtro, antequam intraſſet per regem, & feciſſet ei homagium, et unde concordatum fuit, q̃ uxor non haberet dotem, eo q̃ vir ſuus non intrauit p regẽ vero p intruſionem. Sed hoc non intelligatur de |eſcaetis al'| Socagio & paruis tenuris.

¶ Forfayture. 4. cap. 14.

¶ Item rex habebit eſcaetas de terris libere tenentium archiepiſcoporum, et epiſcoporum, quando ipſi tenẽtes damnati ſunt p felonia facta tempore vacationis, dum temporalia eorundem fuerunt in manu domini regis, conferendi cui voluerit imperpetuum ſaluo ſeruitio q̃ ad dictos prelatos inde pertinet & fieri conſueuit.

¶ Patents

¶ Patentes. 1. Chap. 15.

¶ Quando Dominus rex dat vel concedit alicui manerium vel terram cum pertinen̄ nisi faciat in charta sua vel scripto expressā mentionem de feodis militum, aduocationibus ecclesiarum, & dotibus cum acciderint, ad p̄dictum manerium vel terram pertin̄, tunc his diebus rex reseruat sibi eadem feoda, & aduocac', cum dotibus, licet inter alias personas non fuerint obseruata.

¶ Forfaiture 5. Cap. 16.

¶ Item rex habebit omnia catalla felonum damnatorum, & fugitiuorum vbicunque fuerint inuent'. Et si ipsi habeant libe' ten̄, tunc illud statim capietur in man̄ domini regis: et rex habebit omnes exit⁹ eiusdem per vnum annum & vnum diem, & ten̄ illud vastabitur et destructur de domibus, boscis & gardinis, & alijs quibuscunque ad p̄dictum tenement̄um spectant' exceptis hominibus quorundam locorum p̄iuilegiatorum inde per regem. Et postquam dominus rex habuerit annum, diem, et vastum, tunc reddatur ten̄ illud capitali domin̄ feodi illi⁹ nisi p̄ius faciat finem p̄o anno, die, & vasto. De cons. tamen dicitur, quod post annum et diem, terre & tenementa felonum in Glos', reddēntur et reuertentur p̄oximo heredi, cui debuerant discendisse, si felonia facta nō fuisset. Et in Kant in Gauelkinde: The father to the bough, the sonne to the plough. Ibidem omnes heredes masculi partic̄abunt

hereditatem corum, & similiter femine, sed femine non participabunt cum masculis. Et mulier habebit post mortem viri medietatem pro dote sua. Et si mulier fornicetur in viduitate, perdet dotem suam, vel si sit dispōsata viro.

¶ Explicit Prerogatiua regis.

¶ Incipit statutum de Magna Assisa iniungendo sive duello.

VOs deues scauoir ou graūd assise se ioint a bataple nient, ou battaile se ioint et graūd assise nient, & ou lune ne lautier ne se ioint. Graūd assise se iointe a battaile nient, ieo vn home vend terre a vn autre per charter & cel purchaser vend celle tre ouster & nad nient pluis de terre & il rende sa charter dont il est enfeoffe, vient le heire le pusner seofeour & luy empled il ne purra my sa seisin defender per le cours son franke home, mes il se purra mettre en dieu et en la graunde assise. Battaile se ioint & graunde assise nyent la ou le boucher est enfeoffe et vouche son

seo Iour

feoffour a garr̃ p chart̃ q̃ il ast̃ ō luy il pur-
ra dedire la chartier per le corps son franke
home, & la ne gist pas graunde assise mes
battaile. Durint graunde assise ne se toynt,
nient enter parents auaūt que ils soiēt pas-
ses le tierce degree la ou ils claiment per
vn meisne la discent. Mes battaile se ioint
entre freres la ou lun est seosse per chartier
et lauter claime per discent. Et ou lun ne
lauter ne se toynt nient la ou le demandant
claim a tener en franke mariage, ou en frāke
Burgage, ou en franke socage, ou en gauel-
kinde cōe en Kent, ou en auter maner come
q̃ le demaundant demaunde forsque petit
chose come vn acre de terre ou demy tost ou
crost, donques par assent des parties, ou per
agarde des Justices, si poient ilz consentēō
en vn iurē de dones frankes homes & loy-
alx pur esparer le trauaile et le serement de
bones chiualers, & ilz ferront le serēm
sans delay dost̃ ilz dirrount voier
a lour scient. | Voies le
vieux nature des brēes
fo. 1. |

Item en oꝛdeinez eſt & eſtabliez que en cheicun bꝛeue oꝛiginal des actionz pſonelz, appeles, et endictements & en queux exigendes ſerr̃ agard̃ que aux noſmes des defendaunts en tielz bꝛiefes oꝛiginalz appelles et endictments ſoient faitz addition de lour eſtate ou degree, ou de meſtier et les villes ou hameleton, lieux, & les counties de queux ilz fuerent ou ſont, ou en queux ilz ſont ou fuerent comuerſants. Et ſi per pꝛoces ſur les dits bꝛes oꝛiginals appelz ou endict en q̃ les dits additions ſoient enkelleez, aſcũz bꝛlagaries ſoient ꝓmuncies que ilz ſoient voides irrites et tenus pur nul. Et que auxi les bꝛlagaries pꝛomuncies les dits bꝛiefez et endictments ſoient abatus per exception du partie p la ou en iceli'lez dits additions ſoient enterlelles. Moruien toutes ſoitez que meſez les dits bꝛiefes dactionz perſonelz ne ſoient accoꝛdants as recoꝛdes et faits per le ſurpluſage de addi ions ſuiſdits, que pur ceſt cauſe ilz ne ſoient abatus. Et q̃ les clerkes del chañcellary ſouth q̃ noſm̃z tielz bꝛ̃ez illes ront eſcriptz ne enkleſſent ne facẽt omiſſion des dits additiõs cõe deſuis eſt dit ſur peine deſtr̃ pnis et fin̄ al roy p diſcret de le chauncellier. Et commencera ceſt oꝛdinance a tenir lieu al fuit de pty de la ſeaſt de ſaint Michael pꝛochein enſuant.

Anno.

Forcible entre.3. Cap.9.

Item come per le noble roy Richard nadgairz roy Dēgleterre puis le conquest secōd a son parliamēt tenus a Westm̄ lendemaine dez almes lan de sō raigne 15.ca. 2, entre auters choſez ordeignez ſoit & establies que les estatutes et ordinaūces faitz & nient repelles de ceux que ſount entrez oue forte maine et armes en aſcuns terres tenements ou auters poſſeſſions quecunques, et lour teignent cins oue force et armes & ō ceux que ſount inſurrections, riots, routes, chimauchies, et aſſembles en diſturbance de la peace noſtre ſeignior le Roy ou de la cōmen ley en affray de ſon people ſerroient tenus et pleinement et duement executes. Et ouſtre ceo ordeigne eſt per meſme leſtatut q̄ touz les foltes q̄ tielz forcibles entrez ſoient faitz et pleint ent veigne as Juſticez du peace ou aſcun deux que meſmes les Juſtices ou Juſtice prcignent ou prcigne poyar del counte, & voiſent ou voiſe al lieu ou tiel force ſoit fait. Et ſils trouent ou troue aſcuns teignantes tiel lieu forciblement apres tiel entrie fait, ſoient prſes et miſes en prochein gaole a y demurrer comict de recōd de meſmes les Juſtices ou Juſtice tanque ils eient fait fiſi et raunſoñ au roy. Et que touts gents de county ſibien Viſcountz cōe

auters ſoient entendants as ditz Juſtices & de eux enforcer pur arreſter tielz malefaiſors ſur peine denpriſonment et de faire fine et raunſoñ au roy. Et que en meſme le maner ſoit fait de ceux que ſount forcibles entries en benefices ou offices de ſaint egliſes, cõe en meſñ l'eſtatut eſt conteine plus au pleiñ, Et per taũt que le dit eſtatute nertend̄ mie as entriez en tenementes en peaſible maner et apres teñ oue force: ne ſi les ꝑſons qui entrent oue force, en aſcuns terres ou tenements, ſoient de tout remouez et bordes deuaunt le venue des ditz Juſticez ou Juſtic̄ come deuaunt, ne nul peine ordeine, ſi lez biſcounts ne obeyment les commaundementes et preceptz des dites Juſtices pur executer lordinaunce ſuiſdit: pluſours extorcementes & forcibles entries ſont faits de iour en auter, en terres & tenemẽts, per ceux que droit nont, & auxy diuers dones feoffements et diſcontinuances aſcun foitz faits as ſeigniours et auters perſons, puiſſantz & extorcioners deins les dits counties, ou ils ſont conuerſantes, pur maintenaunce auoir, et aſcun foytes as tielx perſons enſy ouſtes, diſcomis a tiel entent, pur delaier et defrauder tielx droiturels poſſeſſours de lour droit et recouere a toutes iours, a final diſherizon d̄ pluſours de⁹ meſmes foialz liegez nr̄e Seignior le roy, & ſemblable eſt deracreſter de iour en auk, ſi due remedy ne ſoit purueu en cel party: Noſtre ſeignior le roy cõſiderant les premiſſes ad ordeiñ que le dit eſtatuts

tute et toutes aulx estatutes de tiels entriez ou alienations deuant faites, soient tenus & duement executes adioustant a icelles, que desore en auant aslcun face tiel forcible entrō en terres tenements ou autres possessions, ou eux teigne forcibleiment apres compleint ent fait deins meisme le countie lou tiel entry soit fait as Justices du peace ou a vne deux per la partie greue, que les Justices ou Justice ensy garny, deins temps couenable facent ou face duement executir lez ditz estatutes, et ceo as costages de la partye ensie greue. Et ouster ceo, coment que tiels persones faisantes tiels entryes, soient presentes ou boides, deuaunt le benche desdits Justices ou Justice, maintenaunt meismes les Justices ou Justice, en aslcun bone ville plus procheine as tenementes ensi entries, ou en aslcun lieu couenable, solonque lour discretion, cient et chescun deux cyt auecpoitie et potar denquerer per les gentz de meisme le Countye, auxybien de ceux que sount tiels forcibles entries en tres & tenementes, come de ceux que ent teignent ouc force. Et si trone soit deuaunt aslcun de eux que aslcun face le contrarye de ceste estatute, adonqz les dits Justices ou Justice, facent ou face reseiser les terres ou tenits ensi entries, ou temus come deuāt, & metter la ptye ensi oeuste en pleine poss. de ins les terres ou tenementes come deuaunt entries ou temus. Et si aslcun person apres tiel entrye en terres ou tenementes temus ouc force, face

feoffement ou auter discontinuance, al alcun seignior ou auter parson pur mayntenance auoir, ou pur toller et defrauder le possessour de son recouere en alcun manner, si apres en assise ou auter action ent estre prise ou pursuer deuant Justices des assises ou auts Justices du Roy quicunque per due enquerer ent apprendre, purra duemẽt estre prone mesmes les feoffements et discontinuances estre faits per maintenance, come deslus est dit, que adonques tielx feoffements ou auts discontinuances ensi come deuant faits soiẽt voides irrites et tenus pur nul. Et auxy quant les dits Justices ou Justice, ferront tiels enqueres come deuaunt, lacent ou face lour garraunts & preceptes directes as viscount de mesme le Countie, luy commandant de part le roy de faire venir deuant eux et chescun deux persones sufficiants et indifferentes, pluis prochiens demurrants enz les tenements enly entries, come deuãt dẽquerer de tiels entries dont chescũ que ser̃ enpanel denquerer en cel partye eit terre ou tenẽt dãmel value de xl.s.p an au meinz, ou les reprises. Et que le viscont retourne illoc sur chescun deux a iour de primer precept retornable xx.s. & al second iour xl.s. & al tierce foitz C.s. & a chescun iour apres le double. Et si alcun viscõ ou bailife deins fraunchise eiant retourne de bẽ du Roy, soit lathe & ne face duement exer̃ des dits preceptes a luy directes pur tiels enqueres faire, que il forfait deuers le Roy xx.li. pur chescun defaut,

faut, et ouſt face fine et raūſome au Roy. Et que auſſibien les Juſtices ou Juſtice auant dits come les Juſtices des aūl. a lour benir en pais pur aſſiſes prendre, eiet et cheſcun deux eit poiar doier et ſminer tiels defauts et negligences des dits vicounts & bailifes, et cheſcun deux, auſſibien p bille al ſuite del party greue, pur luy meſme, come pur le roy a ſuer, come per enditement apprēdre pur le Roy ſolement. Et ſi le viſcount ou bailife ſoit duement attaint en cel plee p enditemēt ou p bille, que celuy que ſue pur luy & pur le Roy eit vn moity del forfaiture de xx.li. enſemblement oue les coſtages & expenſes. Et ſi meſme le proces ſoit fait vers tiels endits ou ſues per bille en celx parties ſicōe ſerroit vers endicts ou ſues p bēe de triſz oue force et armes encounter la peas de noſtre ſeigniour le Roy. Et ouſtre ceo ſi aſcun perſonne ſoit ouſte ou diſſeiſe de aſcuns terres ou tenementes oue forcible maner, ou ouſte peaſiblement & apres tenus de hors oue forz maine et armes encounter la Juſtice du peace, ou apres tiel entre aſcun froiſſement ou diſcontinuance en aſcun manner ent ſoit fait pur defrauder et toller le droit del poſſeſſour, que la partie greue en celle partye eyet aſſiſe de nouel diſſeiſin en briefe de Treſpas vers tiel diſſeyſour. Et ſi la partye greue recouere per aſſiſe ou per action de Treſpas et trone ſoit per verdite ou en autre manner per due fourme en ley, que la partye defendaunt entra oue force en terres & tenements

ou

ou eux per force apres son entry tiendra, que le pl' recouera ses dam̃ au treble vers le defendaunt. Et ouster ceo que il face fine et raũsome au Roy:. Et que Maiours Justices ou Justice de peace, viscountes & bailifes des Cityes & Boroughes, ciants frãchise eiant en les dits Cities, villes, & boroughes auriel poiar de tiels entries ouster et en auters articles desuisdites emergents deins icelles come ont les Justices de peas et viscountes en counties & pais suisdytes. Puruiew toutes foites, que ceux que gardent per force lour possessions en aſcuns terres ou tenementes dont ils ou lour auncesters, ou ceux queux estate ils ont en tyels terres ou tenementes ont contynues lour possessions en icelles, per trois ans ou plus, ne soyent mye en dam̃ per force de cell' estatute.

FINIS.

Sheriffes.25. Cap.10.



Item le roy cõsiderant les graũtz periury, extorcion & oppression, q̃ux sont & ont esté en cẽ Roialme per ses viscomts south viscomts & lour clerkes, coroners, seneschales des fraunchises bailifes & gardẽs des prisons & autres officers en diuerses coũties de cest roialme ad ordeine per lauctho̅rity suisdit en eschewing de touts tiels extortiõ periury & oppression que nulle viscont lesse a ferme en ascun mañ son county, ne ascun de ses bailiwykes hundredes ne wapentakes, ne q̃ les ditz viscomts south vikẽ bailifs des frãchises, ne aũ autre bailifes retourne sur ascun vẽe ou precept a eux direct de retorn̄ ascũs enquestes, en ascun panell sur ceo destre fait, ascũs bailifes officers ou seruantes a aũ de les officers suisdites en ascun panell per eux issint affaire, ne que nulle des officers & ministers per occasion ou soubs colour de lour office, preigne ascun auter chose, per eux ne per ascun auter person a lour vse profit ou auail, dascun persone per eux ou ascun deux destre arrestus, ou attaches, ne de nul aũt per eux pur la lesser dascun arrest ou attachmẽt destre faites per lour corps, ou dascun persone per eux ou ascun deux per force ou

colour

ceels de lour office arrestus ou attaches par fine fee, scōwet del prison, mainprise, lessaunce a baile, ou monstrance ascun ease ou fauour a ascun tiel person yssint arrestus ou arcstes pur lour regarde, ou profite, sinon tyel come enluit, cestassauoir, pur le viscount xx. ℔. le bailyfe que face larrest ou attachement iiij.℔. et le gaoler si le prisoner soit commis a sa garde iiij.℔. Et que le viscount, south viscount, clerke de viscount, senschalk, ou bailife de fraunchise, seruant ou bailife, ne roigner, preigne per colour de son office per luy ne per ascun auter person a son vse, dascun person pur le faisour dascun retourne ou panell' ascun chose, et pur le copie dune panel iiij.℔. Et que les dites viscountes et toutes auters officers et ministers auauntdits, lesseront hors de prison, toutes maners des persones per eux ou ascun deux arestiers, ou esteants en lour garde per force dascun briefe bille ou garraunt en ascun action personelles ou per cause dendictment de trespas sur reasonable suerties de sufficiants persones, eiantes sufficient deyns les counties ou tiels persones sount yssint lesses a baile ou mainprise de garder lour iours, en tiels lieux, cōe les dits briefs billes ou garraunts requirent, tiel person ou persones q̄ sont ou serront en lour garde per condemnation, execution, capias vtlagatum, sine excōmunicatum, suerty de la peace, et toutes tiels persons que sont ou serront commis a garde p̄ especial commaundement dascun

Justice

Justicez,et vagarantes,refusants de seruire, solonque la fourme de lestatute de Labourers tantsolement except. Et que nul viscount,ne nul de sez officerz ou ministers suisdits,pigne ou face de prendre ou faire ascun obligation per ascun cause suisdites, ou colour de lour office,sinon tant solemt a lour meismes, dascun person ne per ascun person, que soyt en lour garde, per le cours de la ley forsque sur le noisme de lour office,& sur condition escrie,que les dits prisoners appergeront a le iour content en les dits bees billes ou garront eit en tiels lieux ou les dits bees bils ou garr requires. Et si ascun des dits viscouts ou autz officerz ou ministerz suisditz pigne ascun obligation en autr fourme,y colour de lour offices,que il soit void,& q̄ il no preigne plus pur le relāce dascū tiel obligas garrāt ou precept y eux deliv fait forsq̄ iiij. d. Et auxint que chescun de les dits viscouts face annuelmēt vn deputee en les courtz duc roy de sa chauncery, le bāke,& leschequer de record,deuant que eis retournent ascūz bees de Resceyū touts maūs dez bēez & garrātz a eux deste deliuerez. Et q̄ touts vise southviscouts,clerkes,bailifes,gaolers,coroners seneschalz,bailiffes dez fraunchises ou ascū autrez officers ou ministerz queux fount le contrary de cest ordinānce en ascū point dicelr pde al pty en pcell' endam ou greue sez trebles dam et forfait la summe de pl.li.a chescē tēps q̄ eux ou dascē deux font le contrary dycelr, ou en ascū point dicelr, dōt le Roy dam

lum

lune moitie, ceo deste employes al vse de son
houstel, et en nul aut maner, & la pty que ceo
doet tuer lauter mortue. Et que les Justicez
des assises en lour tesions, Justicez de ll
bank & de lauter, & Justicez de peace en lour
pais, eiãt poar denquerer oier & termin del
office sans especiãl comission, du & sur touts
pceux que ferrent le cõtrary de cestz ordinã-
ces en aleun article ou point dicelt. Et si les
dits bilcounts retornent sur aleun person
expt corpus, ou reddidit se, q̃ ilz soiẽt charge-
ables eauer les corps des dits persõs a les
iours deb returnes des dits brẽs, billes
ou garrants, en tiel fourme come ils serrẽt
deuant la seiance de cest act. Puruieu touts
tõis quẽ per cest present ordinaunce le gar-
dein del gaole du roy de Fleete, & del Pa-
leiz du Roy a Westm̃, pur le temps esteant,
ne soit en dam̃ ne p̃iudice en son dui-
eit de son office, et auxint que cest
ordinance cõmencea al feast
de Pasche que serr̃ en
lan de nostre
Seignur.

Fines 8. Cap. 24.

Item where it is ordeined in the time of kinge Edwarde ỹ firſt, by ỹ ſtatute of Finibus, that notes & fines to be leuied in the kinges court afore hys Iuſtices, ſhould be openly & ſolẽpnely read. And ỹ plees in ỹ meane time ſhoulde ceſſe. And this to be doe by iij. dayes in ỹ weeke, after the diſcretion of the Iuſtices, as in ỹ ſaid ſtatute more plainely appeareth. Vide ſtatutū de Finib⁹ leuatis 27. E. 1. fines 1. before anno. 34. E. 3. ca. 6. fines 4. The king our ſoueraigne Lord, conſidereth that fines ought to bee of the greateſt ſtrength to auoide ſtrifes and debates, and to the finall ende and concluſion, and of ſuch effect were taken, afore a ſtatute made of non clayme, and now is vſed the cõtrary, to the vnuerſal trouble of the kinges ſubiectes, wil therfore it be ordeigned, by the aduiſe of ỹ lords ſpiritual and temporall, and the commons in the ſaid parliamẽt aſſembled, and by aucthority of the ſame, that after the ingroſſing of euery fine to be leuied, after the feaſt of Eaſter, that ſhalbe in the yeare of our lorde. 1490. in the kings court, afore his Iuſtices of the common plees, of any lands tenementes or any other hereditamentes, the ſame fine be openly & ſolempnly read & proclaimed in the ſame courte the ſame terme,

and

and in three termes then next followinge ſ
ſame ingrolling in the ſame court, at fower
ſeuerall daies in euery terme. And in the
ſame time that it is ſo read & proclaimed al
plees to ceaſe, And the ſaid proclamations
ſo had and made, the fine to be final end and
concluſion as well priuys as eſtra[illegible]gers to
the ſame, except women couert, other then
bene parties to the ſaid fine, and euery per-
ſon then being within age of xxj. yeres, in
priſon, or out of this realme, or not of whole
mind, at the time of the ſaid fine leuied nor
parties to ſuch fine. And ſauing to euery eſ-
tate or perſons and to their heirs, other then the
parties in the ſaied fine, ſuch right clayme
and intereſt, as they haue to or in the ſaied
landes, tenements, or other hereditaments,
time of ſuch fine ingroſſed, ſo that they pur-
ſue their title, claime or intereſt, by way of
action or lawfull entre, within fyue yeares
next after the ſaied proclamations had and
made. And alſo ſauing to al other perſons,
ſuch action, right, title, claime and intereſt,
in or to the ſaid landes, tenementes, or o-
ther hereditaments as firſt ſhall growe, re-
maine, or diſcende, or come to them after the
ſaid fine ingroſſed and proclamation made,
by force of any gift in the taile, or by any o-
ther cauſe or matter, had and made before
the ſaied fine leuied, ſo that they take their
action, or purſue their ſaied right and title
according to the law within fiue yeres next
after ſuche action, ryght, clayme, title or
intereſt

interest to them accrued, descended, fallen, or come, and that the sayde persons and theire heires may haue their saide action against the pernour of the profites of the said landes and tenementes and other hereditamentes tune of the said action to be taken, and if the same persons at time of suche action, right and title accrued, descended, remayned, or come vnto them, bee couert baron or within age, in prison, or out of this lande, or not of whole mynde: That then it is ordeyned by the sayde authoritie, that their action, right and title to bee reserued and saued to them and to their heires, vnto the tune they come and be at their full age of. xxi. yeares, out of prison, within this lande, vncouert, & of whole mind, so y they or their heires take their saide actions, or their lawful entre, according to their right and title, within fiue yeres next after that they come & bee at their full age out of prison, within this lande vncouert and of whole minde. And the same actions pursue, or other lawfull entre take, according to the lawe. And also it is ordeined by the authoritie aforesaid, that al such persons as bee couert de baron, not party to the fine, and euery person being within age of. xxi. yeres, in prison or out of this lande, or not of whole minde at time of the said fines leuied and engrossed, and by this sad acte afore except, hauing any right or title, or cause of action, to any of the said landes and other hereditamentes, that they or their heires

inheritable to the same take their saide actions or lawful entre, according to their right and title, within .v. yeres next after they cõe and be of age of xxi. yeres, out of prison, vncouert, within this land, and of whole mind and the same actions sue, or their lawful entre take & pursue according to the law. And if they do and take not their actions & entre as is aforesaide, that they and euery of them and their heires, & the heires of euery of thẽ be concluded by the saide fines for euer, in like forme as they bene & ben parties or privies to the saide fines. Sauing to euery person or personnes, not party nor priuy to the saide fine, their exception to auoide the same fine, by that that those | that | were parties to the fine, nor any of thẽ, nor no person, nor psons to their vse, ne to the vse of any of thẽ had nothing in the lands & tenements comprised in the said fine at the time of the saide fine leuied. And it is ordeined by the sayde authoritie, that euerye fine that hereafter shalbe leuied in any of the kinges courtes, of any manors, lands, tenementes, and other possessions, after the maner, vse and fourme that fines haue bene leuied afore the making of this acte, be of like force, effect and authoritie, as fines so leuied bee or were afore the making of this acte, this acte or anye other acte in this saide parliament made or to bee made, notwithstanding. And euery person be at his libertie, to leuye any fine hereafter, after his pleasure, whether he will after the

fourme

fourme conteined and ordeined in & by this act, or after the maner & fourme aforesayde ble.

Women.

11 Anno. 11. H. 7. Cap. 20. Discontinuance of right or estate.

FOr certaine reasonable cõsiderations be it ordeined, enacted & established, by the king our soueraigne lord, & by the assent of the lords spirituall & temporall, & the commons in this present parliamẽt assembled, and by authoritie of the same, that if any woman which hath had, or hereafter shal haue, anie estate in dower, or for terme of life, or in tayle iointly with her husbande, or onely to her selfe or to her vse, in any maners, landes tenementes, or other hereditaments, of the inheritance or purchase of her husbande, or geuen to the said husband and wife in tayle or for terme of life, by any of the auncestors of the saide husbande, or by any other person seysed to the vse of the saide husband, or of his auncestors, and haue or shal hereafter being sole, or with anie other after taken husbande, discontinued or discontinue, alyened, released, or confirmed, alyen, release or confirme, with warranty, or by coueyn suffred or suffer anie recouerie of the same, against them or anye of them

or any other seised to their vse, or to the vse of either of them, after the fourme aforesaid, that all such recoueries, discontinuances, alienations, releases, confirmations & warranties, so had and made, & from henceforth to be had and made, be vtterly voide and of none effect. And that it shalbe lawful to euery person & persons, to whom the interest title or inheritaunce after the decease of the said women of the said maners, landes, and tenementes or other hereditamentes, being discontinued, alened or suffred to be recouered after the first day of December next cõming, in the fourme aforesaid should appertaine, to enter into all and euery of the premisses, and peaceably to possesse and enioy the same in such maner and fourme as he or they should haue done, if no such discontinuance, warrãty, nor recouery had bene had nor made. And ouer this be it ordeined and enacted by the saide authoritie, that if any of the saide husbandes and women, or anie other seysed, or that shalbe seysed to the vse of them, of the estate afore specified, after the said first day of Decẽber, do make or cause to be made, or suffer any such discõtinuance, alienations, warranties, or recoueries, in fourme aforesaid, that then it shalbe lawful to the person or persons, to whom the saide tenementes should or ought to belong after the decease of the said woman, to enter into the same, and them to possede and enioy, accordig to such title & interest, as they should haue

haue had in the same, if the same woman had bene dead, no discontinuance nor recouerie had, as against the said husband during his life, if the saide discontinuance, alienation, warranties & recoueries be hereafter had by or against the same husbands & women during the couerture & espousal betwixt thē.

Prouided alwaye that the sayde women, after the decease of their saide husband, may reentre into the maners, landes and tenements, and them to enioy according to their first estate in the same. And ouer this be it ordeined and enacted by the said authoritie that if the saide women at the time of such discontinuance, alienatiōs, recouries, warranties, after the saide first day of December in forme aforesaide to be had and made of any of the premisses be sole, that then she shalbe barred and excluded of her title and interest in the same from thencefurth, & that the person and persons to whom the title, interest & possession of the same should belong after the decease of the saide women, shal immediatly after the saide discontinuance, alienations, warranties and recouries, enter into the same maners, landes, tenementes and other hereditaments, & them to possede & enioy according to his or their title in ỹ same. Prouided also that this act extende not to auoide any recouerie, discontinuance or warrantie after the forme aforesaide, afore this time had made or suffred, but onely where the said husband & woman,

or eyther of them nowe beynge alyue, or any other to their vſe, now haue intereſt, and eytle to the ſayde maners, lands, tenements or other hereditamentes alienes, diſcontynued, or ſuffered to bee recouered after the fourme aforeſaide, and thereof nowe, taking the iſſues and profites, or anie other perſonne or perſonnes to their vſe. Prouyded alſo that this act extend not to any ſuch recouery, or diſcontinuaunce to be had with the heires next inheritable to the ſaide woman, or hee or they that next after the death of the ſame woman ſhould haue eſtate of inheritance in the ſame maners, landes or tenements, bee aſſenting or agreeable to the ſaide recoueries, where the ſame aſſent and agreement |be| of recorde or inrolled. Prouided alſo ſ it ſhalbe lawfull to euery ſuch woman being ſole or maried, after the death of her firſt huſbande, to geeue, ſell or make diſcontinuance of any ſuch landes for terme of her life onely, after the courſe and vſe of the common law before the making of this preſent acte.

¶An acte concerning actions populer, and statutes penall. An. 7. H. 8. Cap. 3.

Actions populer. 3.



Here diuers and many penall statutes & ordinances haue bene made & ordeined, some wherby the punishmēts geuen onely to the king our soueraign lord, his heires and successours by action, writ, bille, indictement or information, & some wherby the king by himselfe, any other common person for the kinge, or for himselfe onely, may sue by writte, bille indictment, or information against the offender or offenders in that behalf, and because of long tract of time and for sparing of the sute therof, and that then after such longe tracte of time, diuers & many of ꝑ kings true subiects haue bene in time passed vexed & troubled for the penalties contained in the saide statutes and ordinances, more for malice then for Justice wherevpon pluries haue ēsued, to the grete trouble & vexatiō of the kings true subiects their heires & executours, being ignorant of the said statutes & offences, wherfore, & for the tender loue & zeale that our soueraigne lord ꝑ king beareth to his said louing subiects, & at their humble desire. Be it enacted ordeined and established by his highnes, and by the assent of the lords spiritual & tēporal

and the comons in this present parliament assembled, and by the authoritie of the same, that all and singuler suche actions, suites, billes, indictementes, or informations, as frō the xx. day of the moneth of Nouember the vij. yeare of our said soueraine Lordes reigne shalbee commenced, taken, sued, had, or made, only for any dette, moueable goods or cattailes forfayted and lost, or to be forfaited or lost, wherunto the king onlye, his heires or successours, and none other common person shal or may be entitled by reasō of the said penal statutes or any of them, shalbe commenced, sued, taken, or had with in foure yeres next after the offence or offences, forfayture or forfaytures, of or for the same, had or made against the ordinance, & prouision of any suche acte or actes, statute or statutes penall, and not after the said fower yeres. And that for any offence or forfaiture made or had, or to be made or had against the ordinaunce and prouision of anye acte or actes penall, made and ordained, or to be made and ordeined, wherby action, suite, bille, or information populer, is or shall be geuen to any personne or personnes, suche as will sue for the kinge and for him or them selfe, or onely for him or them selfe, that suche action, bille, suite, or information be commenced, sued, had and made, by suche person or personnes, other then the king, as will sue in that behalfe, within one yere next after the offence or forfaiture had, made, or

committed

committed against the ordinaunce and pro-uision of any such acte or actes penall, and not after the sayd yeare ended. And that the kinges suite by writte, bille, plainte, endicte-ment, or information on that behalfe be cō-mēced, sued, had or made within two yeres next after the offence or forfaiture made or had against the prouision and ordinaunce of any acte or actes, statute or statutes penall and not after the said two yeres: And if any action, suite, bill, indictment, or information, concerning the forsaide statutes, or anye of them, be had or made otherwise thē with-in the time or times limited, as is aforesaid, that then the same action, suite, bille, indicte-ment and information, and euerye of them commenced, sued, had or made for the sayde offence or offences, forfaiture or forfaitures, shalbe voyde and of no force ne effect, any acte or actes, statute or statutes made to the contrary notwithstanding.

¶ Prouyded alway that where any ac-tion, information, or indictement, is limit-ted by any statute, to be had, made, or taken within shorter time or times, thē (as is afore rehers-ed) that it be had, made, and taken according to the time li-mitted in that statute.

¶ In

¶ An acte concerning aduowries for rents and seruices. Anno. 7. H. 8. Cap. 4.

Recoueries. 1.

WHere as diuers, aswell noble men as other the kinges subiectes, haue sustayned recoueries against them of diuers their manours, lordshyps, landes, and tenementes, for the performaunce of their wills, or for the surrete of their wiues ioyntours, or for the iointour of sonnes and heires apparaunt and their wiues, or for any other person or personnes, according to their couenants and agreements, and those personnes that so haue recouered the sayde manours by the course of the commō lawe, had no remedy nor may haue, to compel the tenaunt, freeholders and tenaunes, which held of the same manours by the rents seruices or customes, to attourne to them, nor could by the order of the lawe attaine to the rēts, seruices, or customes (if they were denied) by distresse or action, without they could once attein to the possessiō of the same rentes, seruices and customes by paying or doing the saide rentes, seruices, or customes, by the same freeholders, tenaunts & tenants, which to doe, diuers and many of thē haue oftētimes refused, & yet doe, to the great offence and charge of their conscience, not only to the disheritāce of the said recouerers, but also in breking of the last wills of thē against whom

whō such recouery is had: & also to the disheritance of the said husbād, wiues & other to whose vse the same recouerie was so had Also if there were any aduowsō appendāt to any of the said maners, the same aduowson had fallen voide, & a straunger had presented, ỹ said recouerers, nor they, to whose vse the same recoueries were had, had no remedy for the same disturbance, & sometime therby they haue bē diseherited. Be it therfore enacted by this present parliament, and by the aucthoritie of the same, that the recouerers in all such recoueries, their heires, & all assignes, may from henceforth distreigne for the foresaid rents, seruices, & customes so being due and vnpaid, and make auowry or iustify the same, as those persons against whom ỹ said recouery is, should haue done if the said recouery had not ben had, and also haue like remedy for the recouering of ỹ said rent seruices, and customez by auowry, & also Quare impedit for the said aduowson, if any disturbāce be made, as those persōs, against whom ỹ said recoueries were had, might or should haue had, by ỹ course of ỹ cōmō law before ỹ said recoūy if any such rents seruices, or customes had ben denyed thē, or any such disturbance had been had in their times. And also that euery auowāt, & euery other person or persones that maketh auowry, comisaunce or knowledge, or iustifie as bailly, to any other person or persons, in any Replegiare: secōd deliuerāce, for any rēt, custōe or seruice, if their auowry, comisāz

or

or iustificacion be found for them or ȳ plaintifes in the sande actions otherwise barred, shal recouer their damages and costs that they haue sustayned, as the plaintife should haue done, if they had recouered in the sayde repleuins. | See after Anñ. 21. H. 8. cap. 19. Auowrie. 1.

¶ Assise.

¶ An acte concerning Abrigemẽts of plaintes in Assise, Anno. 21. H. 8. cap. 3. Assise. 17.

FOrasmuche as assises which haue ben thought the moste spedy remedy, be now by occasiõ of pleding of many barres to moities, and partes of the landes put in view and plaint, greatly delaied, for difficulties and diuision of pleding. And one cause therof is, because the playntifes in the assise in suche plees, to moyties, and parties, cãnot by the lawe abridge their plaintes. For remedy wherof, be it enacted that the plaintife in euery assise frõ henceforth, may at his pleasure, seuer & abridge his plainte, of ány parte or partes whereunto any barre is pleaded; in such like maner, as he or they might doe, in case ȳ plees in barre had ben made and deuided, to any certeintie or number of acres in the plainte & that the plaint for the residue of the parte

or parts of the landes not abridged, ſhalbe & ſtand good & effectuall in the lawe.

¶ Spirituall perſons.

¶ An acte againſt pluralities of benefices, for taking of fermes by ſpiritual men, and for reſidence. An. 21. H. 8. cap. 13.

Reſidence 2.

FOr the more quiet and vertuous increaſe and maintenaunce of diuine ſeruice, the preaching and teaching the worde of God, with godly & good exãple geuing, the better diſcharge of curates, the maintenaunce of hoſpitalitie, the reliefe of poore people, the encreaſe of deuotion, and good opinion of the lay fee towarde the ſpirituall perſons: Be it enacted, ordeined and eſtabliſhed by the king our ſoueraigne lorde, with the aſſent of the lordes ſpirituall and temporal, and the commons in this preſent parliament aſſembled and by auctoritie of the ſame, that no ſpirituall perſon, ſeculer or reguler, of what degree ſoeuer he or they bee, ſhall from henceforth take to ferme to him ſelfe or to anye perſone or perſonnes to his vſe, of the leaſe or graunt of the king our ſoueraigne lorde, nor of any other perſõ or perſons, by letters patents, endentures, writings, by worde, or other-

otherwise, by any maner of meanes, any ma-nours, landes, tenementes, or other hereditamentes for terme of life, for terme of yeres, or at will, vppon payne to forfayte tenne pound for euery moneth that he or any other to his vse shall occupie any such ferme, by reason of any such lease or graunt hereafter to be made. The one halfe of which forfaiture to bee to the kyng our soueraigne lorde, and the other halfe thereof to euery such person as will sue for the same by original writ bill or plaint of debt, or by any informacion in any of the kynges courts: in which action and suite no wager of lawe shalbe admitted for the defendant, nor any essoine or protection allowed.

¶ And be it also enacted by ỹ authoritie aforesaid, that all & euery such spirituall person or persons, which nowe haue or occupy in ferme by thẽ selfe or by any other to their vse, any manours, landes, tenementes, or hereditamentes, of the leasse, or graunte of the king our soueraigne lorde, or any other person or persons, for terme of life or for yeares or at will, by any writyng or otherwise, or that now haue any annuall rentes, or other annuall aduantage or profite, by occasion or colour of any such leasse or ferme, shall clerely bargaine, sell, geeue or graunte awaye on this side the feaste of saint Michael the Archangell nexte comming to any such lay person or persones, as they will at their owne nominations and appointmẽt all such lease, terme

terme, interest, and proute as any such spiri-
tuall persone, or anye other to his vse nowe
hath or haue, in, or by reasō of any such sess
so that in no wise any such spirituall person
or persons at any time after the same feaste,
by them self or any other to their vse by any
maner of meanes, fraud or male engine, shal
haue, vse, or occupie in ferme, any manours,
landes, tenementes or hereditaments, of the
demise, lease or graūte of any person or per-
sons heretofore made, or hereafter to bee
made, to them seife or to anye other to their
vses: nor from the said feaste shall take any
annuall rent or other annuall aduantage or
profite, by occasion or colour of anye suche
lease or ferme by any maner of meanes, vp-
pon paine to forfait for euery moneth so oc-
cupying any such ferme, at any time after the
said feast contrarie to this present act, tenne
pounde, and vpon paine to forfait tenne ty-
mes as much as any such spirituall person
or any to his vse, shall take in anye annuall
rent, aduantage or profit, by occasion or co-
lour of any such lease at any time after the
saide feaste. The one halfe of which forfat-
tures to bee to the kynge our soueraigne
lorde, and the other halfe to hym that will
sue for the same by originall writte, bylle,
or playnte of debte, or by information in any
of the kynges courtes, in whiche action
and suite no wager of lawe shalbee admit-
ted for the defendant, nor any essoine or pro-
tection allowed.

¶ And

¶ And be it also enacted that all such leases made or hereafter to bee made vnto any such spirituall person or persons, or to any other to their vse, for terme of life, terme of yeeres, or at will, of any manours, lands, tenements or hereditaments, whereof they or any of them shall take any profit, or medling by them selfe or by any to their vse, after the said feast of saint Michael, by colour of any such lease or graunt, (and not by them bargained, graunted, and solde away before the saide feaste, as is before limitted) shall from thencefoorth be vtterly voide and of none effecte, as well against the lessour or lessours, grauntour or grauntours, their heires and assigne, and against euery of them, as against the lessee or lessees, and their executours and assignes, & euery of them.

¶ Prouided alway that this present acte shall not extende to any spirituall person or persons, in, and for taking to ferme, any temporalties, during the time of vacations, of any archebishoprickes, bishoprickes, abbeys, priories, or other collegial, cathedrall, or conuentuall churches, nor to any spirituall person or persons, that shall tende or make anye trauers vpō any offices or office, concerning his or their freeholde.

¶ And be it also enacted by the authority aforesaid, that no spirituall person or persons secular or regular, of what estate or degree soeuer they be, shall from henceforth by him selfe, nor by any other for him, nor to his vse,

bargaine

bargaine and buy to sell againe for any lucre, gaine or profite, in any markets, faires, or other places, any manner of catelles, corne, lede, tinne, hides, letther, tallow, fish, woolle, wood, or any maner of victuall or marchandise, what kinde soeuer they be of, vpon peine to forfaite treble the valne of euery thing by them, or by any to their vse bargayned and bought to sell agains controry to this prelẽtacte. And that euery such bargaine and cõtract hereafter to be made by thẽ, or by any to their vse contrary to this acte, shall bee vtterly voide & of none effecte. And the one halfe of euery such forfaiture to be to ye king our soueraign lord, & the other halfe to him ye will sue for, ye same by original writt of debt, bill, plaint, or informatiõ, in any of the kings courtes. In which action or suite no wager of law for the defendaunt shalbe admitted, nor any essoine nor protection allowed.

Prouided alwaye, that if any such spirituall person or persons, shal happẽ hereafter without fraude or couine to buy any horses, mares, or meweles to the only intẽt to occupye for himselfe or his seruaunts, to ride to and fro, vpon his necessary busines, or any other cattels or goods, to the onely intent and purpose at the buying thereof to be employed and put in, and about his necessarye apparaile of his own house, or of his person and seruantes, or in, for, and about the onely occupying, manuring, or tillage of his own glebe or demeigned landes annexed to his

church, or for the necessary expenses of his owne houshold keping. And after the biyl-ing of any suche horses, cattels or goods, or exercise of them or of any of them, happeth to mislike any of them, that they should not be good, profitable nor conuenient for any of the purposes abouesaide, for the which they were bought, that then euery such spirituall person or persons may lawfully bargaine & put away such thinges so by him bought, w out fraude or couine for any of the purposes abouesaide, at his pleasure and aduantage this acte or any thing therin contained not-withstanding.

¶ Prouided alway that all abbots, pri-ours, abbesses, prioresses, prouostes, presi-dentes, maisters of colledges, and hospitals, and all other spirituall gouernors, and gou-ernesses of any spirituall monasteries, or houses of religion, by what name or names soeuer they be called, hauing manors, lands, and tenements, hereditamentes, and other yerely profites, in the right of their monas-teries or houses, of the yerely value of viij. ℔. markes, or vnder, and not aboue, may vse and occupie as muche and as many of their demeane landes, see fermes, and fermes to their most aduantage, commoditie, and profite to and for the onely maintenaunce of their houseolde and hospitalities, in as ample & as large maner, as they or any of them, or their predecessours, or the predecessours of any of the, in any time by the space of one ℔.

yeres

peres last past, before the making of this act haue done, vsed, and occupied. Any thing in this p̄sent acte to the contrary notwithstanding.

¶ Prouided also, that euery other spirituall person and persons, not hauing sufficiēt glebe or demeane landes in their owne handes, in the right of their churches, monasteries, & houses for pasturage of cattelles, or for increase of cornes, to and for the onely expenses of their housholdes, or for their carriages and contrieses, may take in ferme other landes, and buy and sell corne and cattell for the only maintenance, tillage, and pasturage of such fermes, so that the increase thereof bee alwayes employed and put to, and for the only expenses in their housholdes and hospitalities, and not in any wyse to buye and sell againe, for any other commoditie, lucre, or aduantage any corne or cattell, renewing, cōming, or growing, in and vppon any such ferme, or otherwise, but only the remayne and ouer plus about their expenses of their houshaldes, if any such shall happen to the vsed and encrese thereof, without fraude or coulne. Any thing in this p̄sent act to the contrary hereof notwithstanding.

¶ And be it enacted by the authoritie afore said, that if any perso or persons hauing one benefice with cure of soule, being of ỹ yerely value of .vij. pounde or aboue, accepte and take any other with cure of soule, and be instituted and inducted in possession of ỹ same:

that then and immediately after such posses-
sion had thereof, the first benefice shalbe ad-
iudged in the lawe to be voyde. And that it
shall be lawfull to euery patron, hauing the
auowson thereof, to present another, and the
presentee to haue the benefite of the same, in
such like maner and fourme as though the
incumbent had died or resigned, any licence,
vnion, or other dispensation to the contrary
hereof obtained notwithstanding.

¶ And that euery such licence, vnion, or dis-
pensation had, or hereafter to bee obtained
contrary to this present acte, of what name
or names, qualitie or qualities soeuer they
be, shall be vtterly voyde and of none effecte.
And if any person or persones at any time
after the first day of Aprill, in the yere of our
lorde God. M.D.C. and xxx. contrary to this
present acte, procure and obtaine at the court
of Rome, or els where, any licence or licences
vnion, tolleration, or dispensation, to receiue
and take, any more benefices with cure, than
is aboue limitted, or els at any time after the
saide daye put in execution any such licence
tolleration, or dispensation, before that ob-
tained contrary to this acte, that then euery
such person or persones, so after the sayd day
suing for himselfe, or receiuing and taking
such benefice by force of such licence or li-
cences, vnion, tolleration, or dispensation,
that is to say, the same person or persons on-
ly and none other, shal for euery such default,
incurre the daunger, peyne, and penaltie, of

xx.

xx.li.sterling. And also lose the whole pro-
fites of euery such benefice or benefices, as
he receiueth or taketh by force of any suche
licence or licences, vnion, tolleration, or dis-
pensation. The one halfe of which forfaiture
to be to the king our soueraigne lorde, and
the other half therof to him that will sue for
the same by originall writte, bill, plaint of
dette, or information in anye of the kinges
courtes, in which action and suite no wager
of law, essoine, or protection for the defen-
dant shall be admitted or allowed.

¶ Prouided alwaies, that this acte concer-
ning the not keping of moe benefices with
cure of soule then one, extend ne be preiudi-
ciall to any person or persons, which at any
time before the saide first daye of Aprill, in
the yere of our lorde God M.v.C. and xxx.
shall be really intitled or possessed of any such
benefices with cure of soule, as concerning
or touching any of the same benefices, where
of they shall than be all ready really intitled
or possessed before the sayde daye, to or vnder
the number of iij. and not abone, and if any
such spirituall person or persons so being in-
titled or possessed of moe benefices with cure
of soule than iij. do not by the said first day
of Aprill clerely and without yerely pension
resigne or otherwise geue vp all and euery
such benefices and benefice as he shall be so
entitled and possessed of, above the said num-
ber, that then it shall be lefull for euery pa-
tron hauing the aduowson of any such be-

notice of the same in like maner and fourme as though it had bene voyde by death or resignation of the incūbent, any licence, vnion, or other dispensation to the contrary hereof obtained notwithstanding. And this clause of presentation to bee taken and vnderstanden, and of such benefices with cure of soule, as were geuen to any such spiritual persone after the saide number of iij. benefices with cure furnished and fulfilled.

¶ Prouided also, that al spirituall mē now being, or whiche hereafter shall bee of the kings counsaile, may purchase licence or dispensation, and take, receiue, and kepe three personages or benefices with cure of soule, & that all other being the kings chapleins, and not sworne of his counsaill, the chapleins of the queene, prince or princesse, or of any the kinges children, brethern, sisters, vncles, or auntes, may semblably purchase licence, or dispensation, and receiue and keepe two personages or benefices with cure of soule. And in likewise that euery archbishop and duke may haue vi. chapleines, whereof euery one shall and may purchase licence, or dispensation, and take, receiue, and keepe two personages or benefices with cure of soule, and that euery marques and earle may haue fiue chapleines, whereof euery one may purchase licence or dispensation, and take, receiue, and keepe two personages or benefices with cure of soule. And that euery viscount and other bishoppe, may haue foure chapleins, wher-

of

of euerie one may purchase licence, and re-
ceiue, haue, and keepe two personages or be-
nefices with cure of soule, as is aforesaide.
And that the chauncellour of England for
the time being, and euery baron and knight
of the Garter, may haue three chapleines,
whereof euery one shal now purchase licēce
or dispensation, and receiue, haue, and keepe
two personages or benefices with cure of
soule. And that euery dutchesse, marques,
countesse, & baroness, being widowes, may
haue iij. chapleines, whereof euery one of thē
may purchase licence or dispensation to re-
ceiue, haue, and keepe, two benefices with
cure of soule, & that the treasourer & comp-
troller of the kings hōuse, the kings secre-
tary, & deane of his chappell, the kings am-
ner, & ꝑ master of the rolles, may haue euy
of them two chapleins, and the chiefe Jus-
tice of the kings benche one chapleine, and
the warden of the fiue portes for the time
being, one chaplein, whereof euery one may
purchase licence, and receiue, haue and keepe
two personages, or benefices with cure of
soule. And that the brethren and sonnes of
al temporal lords, which are borne in wed-
locke, maye euerie of them purchase ly-
cence or dispensation, and receiue, haue
and keepe as manie personages or benefi-
ces with cure, as the chapleines of a duke
or an archbishoppe. And likewise the bre-
thren and sonnes borne in wedlocke of e-
uerie knight, may euery of them purchase

licence or dispensation, and receiue take and keepe, two personages or benefices wt cure of soule.

¶ Prouided alwayes; that the said chapleines so purchasing, taking, receiuing and keeping benefices with cure of soule as is aforesaide, shall be bounde to haue and exhibite where nede shall be, letters vnder the signe and seale of ỹ king, or other their lorde and master, testifiyng whose chapleins they be, and els not to enioy anie such pluralitie of benefices by such chapleine. Any thing in this act notwithstanding.

¶ Be it also prouided that al doctors and bacheliers of diuinitie, doctours of lawe, and bacheliers of lawe canon, and euery of them which shal be admitted to any the saide degrees, by anie of the vniuersities of thys Realme, and not by grace onely, may purchase licence, and take, haue, and keepe two personages or benefices with cure of soule so that alwaies the saide libertie by anie of the prouisions beforesaide giuen to anie of the said counsaillours, chapleins, and other persons before specified, to purchase licence or dispensation, and take, receiue, and keepe, mo benefices then one, after the maner and fourme aforesaide, be taken and vnderstanden to extende in number to no more benefices with cure of soule, thē is aboue limitted, accompting in the same and as parcell therof, such benefices with cure of soule, as any of the said persōs shal haue in real title

or

or in their possession, at the saide first day of Aprill, in ye yere of our Lord God. M.v.C. and xxx.

¶ Prouided also, that euery Archebishop, because he must occupie viij. chapleins at consecrations of bishoppes. And euery Bishoppe because he must occupie vj. chapeins at geuing of orders & consecration of churches, may euery of them haue ij. chapleines ouer and aboue the number aboue limitted vnto them, wherof euery one may purchase licence or dispensation, and take, receiue and keepe as many personages & benefices w cure of soule, as is before assigned to such chapleines:

¶ Prouided also, and be it enacted by aucthoritie aforesaid, that no person or persons to whom anie number of chapleines or any chapleine by anie of the prouisions aforesaid is limitted, shal in any wise, by colour of any of the same prouisions, auaūce any spirituall person or persons, aboue the number to them appointed, to receiue or keepe any mo benefices with cure of soule, then is aboue limitted by this acte, any thing specified in the saide prouisions notwithstanding, and if they doe, then euery such spiritual person and persons, so auaunced aboue the said nūber, to incurre the peine and penalty contained in this acte.

¶ Be it also furthermore enacted by the auctheritie aforesaid, that as wel euery spiritual person nowe being promoted to anie

Arche-

Archdeaconry, deanry, or dignitie in any monasterie or cathedrall church, or other church conuentuall or collegiall, or beinge beneficed with anie personage or vicarage, as all and euery spirituall person & personnes, which hereafter shall be promoted to any of ỹ said dignities, or benefices, with anie personage or vicarage from the feast of saint Mighel the archangel next comming, shal be personally resident and abiding in, at and vpon his saide dignitie, prebende, or benefice, or at one of them at ỹ least. And in case any such spirituall person at any time after the saide feast, kepe not residēce at ōe of his said dignities, prebend, or benefices, as is aforesaid, but absent him selfe wilfully by the space of one moneth together, or by the space of two moneths, to be accompted at seuerall times in any one yere, and make his residence and abiding in any other places, by such time, that then he shall forfait for euerie such default x.li. sterling. The one halfe thereof to the king our soueraigne lorde, and the other halfe of the same to the partie that will sue for the same in any of the kings courtes by original writte of debt, bill, plaint, or information. In which actiō and suit the defendant shal not wage his lawe, nor haue anie essoine or protection allowed.

And if any person or persons procure or obtaine at the court of Rome or els where, anie maner of licence or dispensation to be non resident at their saide dignities, prebend

or

or benefices, contrarie to this acte, that then euery such person or persons, putting in execution anie such dispensation or licence for him selfe, from the said first day of April, in the yere of our lord god M.v.C.xxx. shall runne and incurre in the penaltie, damage, and peine of xx. pounde sterlinge for euerie time so doinge, to bee forfaited and recouered as is abouesayde, and suche licence or dispensatyon so procured, or to bee put in execution, to bee voide and of none effecte.

¶ Prouided alwaies that this acte of non residence shal not in anie wise extend ne bee prejudicial to any such spirituall person as shall chaunce to be in the kinges seruice beyond the sea, nor to anie person or persones goig to any pilgrimage or holy place beyõd the sea, during the time that they shall so be in the kings seruice, or in their pilgrimages going and returning home, nor to any scholer or scholers being conuersaunt and abyding for studie, without fraude or coyne, at any vniuersity within this realme or without, nor to anie of the chapleines of ỹ kings or Queenes daylie or quarterlie attending and abyding in the kings or Queenes most honorable houshoulde. Nor to anie of the chapleines of the prince or princesse, or anie of the kings or quenes children, brethren or sisterne, attendyng daylie in their honorable houshoulde, during so long as they shall attende in anie of their saide houshoulde.

Nor

Nor to any chapleine of any Archbishop or bishop, or of anie spiritual or tẽporal lordes of the parliament, daily attending, abiding, and remayning in anie of their honourable householdes. Nor to anie chapleine of anie ducheſſe, marques, countelle, vicountelle, or baronelle, attending daylie and abiding in anie their honorable houſholdes, Nor to any chapleine of the lord Chaſtellour or Treaſorer of England, the kings Chamberleine or ſtewarde of his houſeholde for the time being, the treaſourer and comptroller of the kinges moſt honourable houſholde for the time being, attending daily in any their honorable houſeholdes. Nor to anie chapleine of any of the knightes of ỹ honorable order of the garter, or of the chiefe Juſtice of the kinges benche, warden of the portes, or alſo of the maſter of the rolles. Nor to any chapleine of the kinges ſecretarie and deane of the Chappel, or amner for the time being, daily attending and dwelling in anie their houſeholdes, during the time that anie ſuch chapleine or chapleines ſhal abide and dwell without fraude or coulne, in anie of the ſaid honorable houſeholdes. Nor to the maſter of the rolles, or deane of the arches. Nor to any chaſtellour or commiſſary of any archbiſhoppe or biſhoppe. Nor to as many of the xij. maſters of the chaſtcery, and xij. advocats of the arches, as be or hereafter ſhal be ſpiritual men, during ſo long time as they ſhal occupy their ſaid roumes & offices.

No

Nor to any ſuch ſpirituall perſons, as ſhall happen by munition of the lord chancellor or the kinges counſel to be bounde to anye daily apparance and attendance to anſwere to the law, during the time of ſuch munition.

¶ Prouyded alſo that it ſhall be lefull to euery ſpirituall perſō or perſons, beyng chaplaines to our ſouereigne lord the kynge, to whom it ſhal pleaſe his highnes to geue anye benefices or promotions ſpirituall, to what number ſoeuer it be, accept and take the ſame, without incurringe the daunger, penaltie, and forfaiture in this eſtatute cōpriſed. And that alſo it ſhal be lefull to the kinges highnes to geue lycence to euery of his owne chapleins for none reſidence vpon their benefices. Any thing in this preſente acte contained to the contrary notwithſtandyng.

¶ And be it furthermore enacted by the auctoritie aforeſaide, that no ſpirituall perſon, ſeculer or reguler, beneficed with cure, as is afore reherſed, from the feaſt of Saint Wighel tharchāgel next comming, by auctoritie of any maner licens, diſpenſation, or otherwiſe, ſhal take any particular ſtipēd or ſalarie to ſing for any ſoule, nor haue or occupie by himſelfe, or by any other to his vſe, any perſonage, or vicarage in ferme of the leaſe or graunt of anye perſone or perſones, nor take any profite or rent out of any ſuche ferme, vppon peine to forfaite xl. s. for

euery

euery such weeke that he or any to his vse shal occupie; or haue any such stipende or ferme contrary to this present act. And vpō peine to lose x. times the value of such pfit or rēt as he shal take out of any such ferme after the saide feast. The one halfe of which forfaitures to be to the king our soueraigne lord, & the other moity to him that will sue for the same by original writte, bil, plaint of debt, or by information in any of the kings courtes, in which suit & action no wager of law shalbe admitted for the defendant, nor any essonie or protection allowed.

¶ Prouided alway that no deanrie, archdeaconrie, chauncellourship, treasorership, chauntership, or prebende in anie cathedrall or collegial church; nor personage that hath a vicar indued, nor any benefice perpetually appropriate, be take or comprehended vnder the name of benefice, hauing cure of soule in any article afore specified.

¶ Prouided also and be it enacted by the authoritie aforesaide, that no spirituall person or persons regular or secular, of what estate, degree, or condition so euer he or they be, from the first daye of Aprill next comming, haue, vse, or keepe by him or thē selfe, or by any person or persons to his or their vse or commodity, any manner of tāne house or tāne houses, to be vsed or occupied to his or their owne vse, commoditie, or behoofe nor from the said first day of Aprill next comming, shal haue, vse or keepe any maner of

brew-

bye house or brewhouses to any other vse intent or behoofe, then only to be spent and occupied in his or their own houses, vppon peine to forfaite for euery moneth so vsinge and occupyinge any of the said misteries, or occupations, x.li. & the one moitie thereof to the king our soueraign Lord, and the other moitie to him that will sue for the same by originall writ, bille, plaint of det, or sufficient in any of the kinges courtes, in which action and suite no wager of law shalbe admitted for the defendant, nie any essoigne, or protection allowed.

¶ Prouided alwayes, that euery duches, marquesse, countesse, baronesse, widowes, which haue taken, or that hereafter shall take any husbandes vnder the degree of a baron, may take suche number of chapleines as is aboue limitted to the being widowes and that euery suche chaplein may purchase licence to haue and take suche number of benefices with cure of soule, and haue like libertie of non residence in maner & fourme as they might haue done if their said ladies & maistresses had kept the selues widowes Any thing in this present act contained to the contrary notwithstanding.

¶ Prouided alwaies, that euery spirituall person or personnes, hauing landes, tenementes or other possessions in the right of their houses, aboue the yerely value of viij. C. marks, may keepe & retaine in their occupation and manurance, as much as their

said

said landes and tenementes, and other pos-
sessions, as shalbe necessarie and sufficient
for pasturage of their catelles, and for til-
lage of cornes to be employed and spent for
the only maintenance, sustentation, and kee-
ping of his or their housholdes, and hospi-
talities, without fraude or couine, any thing
in this present acte to the contrary thereof
notwithstanding.

¶ Prouyded alway that it may be lawful
to euery spirituall person and personnes, to
take in ferme any meases, mãcions or dwel-
ling houses, hauing but onely orchardes, or
gardeines, in any citie, borough, and towne
for their owen habitation or dwelling. Any
thing in this acte to the contrary notwith-
standing. So that no person spirituall other
then be aboue prouided for, for there non re-
sidence haue any libertie of non residence
by colour of this prouiso. ¶ See the statutes
made 25. Henry. 8. cap. 16. and 28. H. 8.
capit 13. and 33. H. 8. ca. 28. in Re-
sidẽce 3. 4. and 5. who els may
haue dispensation to be
non resident.

¶An acte that al fermers, may enioy their leasses against recóueries had by fained titles, and falsifie the same recoueries. 21. H. 8. cap. 15. Recoueries. 2.

WHere afore this time diuers persons haue made leases of their manors, landes, tenementes, and other hereditamentes, sometime by their indentures, & sometime without writings to other persons for terme of yeares, taking of thē great fines for the incummines of the same leases, & after the same leassours, their heires or assignes, haue caused and suffered recoueries to be had against them in the courte of our soueraigne lord the king, and in other lordes courtes, vpon fained & vntrue titles, by craft and couine, to put the saide termers frō their said termes. And after such recoueries had, the same recouerers, by reason of such recoueries and iudgements, haue entred into the same manours, landes, tenements, and other hereditaments, so to ferme letten, and therof haue expulsed the saide fermers, contrary to their said leases, conenaunts & agreementes, And because it was doubted to some persōs whether the said termers might falsifie such recoueries or not:

¶Be it therefore enacted by the king our soueraigne lord, by the assēt of the lords spiritual & temporal, & the cōmens in this present parliament assembled, & by the authoritie of the same, that al such fermers shall & may

may falsifie for his terme onely, suche recoueries, as well heretofore had as hereafter to be had, in such wise & fourme as a tenant of a free holde, shall and may do by the course of the cõmon law, where suche tenant of free hold was neither priuie nor party to ỹ same recouery. And that the same termers, their executours and assignes, notwithstanding suche recoueries so had, shall reteine, holde, & enioye their said termes according to their said leases against all such recouerors, their heires and assignes. And that the said recouerours their heires and assignes, after such recouery so had, shall haue like remedy against the saide termers, their executours and assignes, by auowtye or action of debt for the rentes and seruices reserued vpon the same leases, being due after the same recoueries, and also like actions against them for waste done, after the same recouerys so had, in lyke manner and fourme as the saide lessours should or might haue had, if the same recoueries had neuer bẽ had. And also be it further enacted by the authoritye aforesaide, that no maner of statute of the staple, statute marchant, nor execution by elegit, be hereafter auoyded, or in any wyse made frustrate, by meanes of any suche fayned recouery, but that all persons hauing anye landes, tenementes or other hereditamentes in execution, or being intituled to haue execution of any mannours, landes or tenementes, by any suche meanes, shall haue

by

by force of this estatute like remedie to auoid and falsifie the same recouerie, as before is ordeined & pꝛounded for the lessee for terme of yeares.

Auowrie.

¶ An act concerning Auowries. Anno. 21 H. 8. Cap. 19. Auowrie. 1.

WHereas well the noble men of this realme, as diuers other persons, by fines, recoueries, grauntes, and secret feoffements & leases, made by their tenants to persons vnknowen, of the landz & tenements holden of them, haue ben put frō the knowledge of their tenants, vpon whō they should by order of the law make their auowries, for their rentes, customes, & seruices, to their great losses & hinderances:

¶ Be it therefore enacted, established, and ordeined, by authoritie of this present parliament, that whersoeuer anie manours, landes, tenements, and other hereditamēts be holden by any maner person or persons, by rentes, customes or seruices, that if the lorde, of whom anie such manners, landes, tenementes, or hereditamentes be so holden distraine vpon the same manours, landes or tenements, for any such rentes, customes or seruices, & replegin therof be sued, that ꝑ lord, of whom the same lands, tenementes,

or hereditamẽts be so holden, may auow, or his bailife or seruant make conisance, or iustifie for taking of the said distresses, vpon the same ladẽs, tenements, or hereditamẽts, so holden, as in landes, or tenements within his fee or seignorie, alleging in ỹ said auowrie, conisance and iustification, the same manours, lands and tenements to be holden of him without naming of any person certain to be tenaunt of the same, and without making any auowrie, iustification or conisance vpon any person certaine. And likewise the lord, bailie, or seruaunte to make auowrie, iustification or conisance, in like maner and fourme vpon euery writte sued of seconde deliuerance.

¶ And also be it enacted by the saide authoritie, that euery auowãt, and euery other person and persons, that make any such auowrie, iustification or conisaunce, as bailye, or seruant to any person or persons in any replegiare, or seconde deliueraunce, for rents customes, seruices, or for damage feisant, or other rent or rents, vpon any distres taken in any londes or tenementes: if the same auowrie, conisance, or iustification be found for them, or the plaintifes in the same bee nonsuite, or otherwise barred, that then they shall recouer their damages & costs against the saide plaintifes, as the same plaintifes should haue done or had, if they had recouered in the replegiare, or secõd deliuerance found against the said defendants. ¶ Se be-

fore

fore. Anno. 7. H. 8. cap. 4. Recoueries. 1.

¶ And be it also ordeined, that the saide plaintifes and defendants in the said writs of replegiare, or writs of second deliuerance and in euery of them, shall haue like pleas, & like aide and prayers in all such auowries, conisances, & iustifications, pleas of disclaim onely except, as they might haue had before the making of this acte, & as though ỹ said auowrie, conisãce, or iustification had beene made after the due order of the cõmon lawe.

¶ And it is further enacted by the said authoritie, that all such persõs as by the order of the common lawe may lawfully ioine to the plaintifes or defendãts in the said writs of replegiare or seconde deliuerance, as well without pces as by proces, shal frõ hencefoth ioine vnto the said plaintifes or defendãts, as well without proces as by pces, & to haue the like pleas & like auãtages, in all thinges (disclaim only except) as they might haue done by the order of the cõmõ lawe before the making of this acte.

Attaint.

¶ An acte concerning periurie and punishment of vntrue verdictes. 23. H. 8. cap. 3. Attaint. 15.

The king our soueraign lord, of his most godly & gracious dispositiõ, calling to his remẽbrãce, how that ytury in this

lande is in manifolde cauſes, by vnreaſonable meanes, deteſtably vſed to ỹ inheritance and great damage of manye and great nombre of his ſubiects, well diſpoſed, and to the moſt high diſpleſure of almighty God. The good ſtatutes againſt all officers hauing returne of writtes and their deputies making panels partially for rewardes to them geeuen, againſt vnlawfull maintenours, embraſours, and Iurours, and againſt rumours vntruely geeuing their verdict, notwithſtanding. For reformation wherof, and for as much as the late noble king Henrye the ſeuenth, prouided remedye for the ſame by a ſtatute made in the ſeuenth yere of his reigne. |cap.24.| which ſtatute is nowe expired. Bee it therefore nowe enacted by the kyng oure ſoueraigne lorde and the lordes ſpirituall and temporall, and the commons in this preſent parliament aſſembled, and by authoritie of the ſame, that vppon euerye vntrue verdicte hereafter geeuen betwixt partie and partie, in anye ſuyte, playnte or demaunde, before anye Iuſtices or Iudges of recorde, where the thing in demaunde and verdicte thereupon geeuen, extendeth to the value of forty pounde, and concerneth not the ieoperdy of mans life, the partye greeued by the ſame verdicte, ſhall haue a writte of attaynt againſt euerye perſonne hereafter ſo geeuing an vntrue verdicte in euerye of them, and

againſt

againſt the partie, which ſhall haue iudge-
ment vppon the ſame verdicte. And that in
the ſame attaint, there ſhalbee awarded a-
gainſt the petite Iurie, the partie, and
the graunde Iurie, Sõmons, Relõ, and
diſtreſſe infinite, which graund iurie ſhal
bee of like number as the graunde iurie is
nowe in attaint, and euerie of them, that
ſhall paſſe in the ſame, ſhall haue landes &
tenements to the value of twentie markes
by the yeare, of freeholde, out of the aunci-
ent demeſne. And vpon the diſtreſſe which
ſhall bee deliuered of recorde, vpon the ſame
open proclamation to be made in the court
where the diſtreſſe ſhalbee awarded more
then fiftæne dayes afore the retourne of
the ſame diſtreſſe, and euerie ſuch diſtreſſe
ſhall bee made vppon the lande of euerie of
the ſaide graunde iurie, as in other diſtreſ-
ſes is and hath ben vſed. And if the ſaide
partie defendant, or the petite iurrours, or
anie of them appeare not vpon the diſtreſſe,
then the graunde iurie to be taken againſt
them and euerie of them that ſhall ſo make
defaute. And if anie of the ſaide petite iu-
rie appeare, then the partie complaynant in
that behalfe, ſhall aſſigne the falſe ſeremẽt
of the firſt verdict vntruelie geuen, where-
unto they of the petite iurie ſhall haue none
anſwere (if they bee the ſame perſonnes,
and the writte, proces, retorne and aſſigne-
ment good and lawefull, except that the
demaundaunt or pleyntife in the ſame

Attaint hath afore ben nonsuit, or discontinued his suit of attaint taken for ỹ same, or hath for ỹ same verdict in a writ of attaint had iudgement against the said petit iurie) but onely ỹ they made true serem̃t, which issue shal be tried by xxiij. of the said graund iurie, & the party shall pleade, that they gaue true verdict, or anie other matter, which shall be a sufficient barre of the said attaint, And that plee notwithstanding the graūd iurie to be taken without delay, to enquire whether the first iurie gaue true verdict or no. And if they finde that the saide petit iurie gaue an vntrue verdict, thē euery of the saide petit iurie to forfait xx.li. whereof the one halfe shal be to the king our soueraigne lorde, & the other halfe to the party that sueth. And ouer that, that euery of ỹ said petit iurie shal seuerally make fine & raūsome by the discretiō of the Justices, before whō the said false serement shall be founde after their seueral offences defautes and sufficyencie of euerie of the saide petite iurie. And after that, that those of the saide petite iurie so attainted shall neuer after be in any credence, nor their othe accepted in anie court. And if such plee as ỹ party pleadeth, which is a barre of the said attaint, bee founde, or deemed against him that so pleadeth, thē the party that so sueth shal haue iudgement to be restored to that he lost with his reasonable costes and damages.

¶ Forseene alway that anie vtlarye in action or

action or cause personal, or excõmengement pleaded or alledged in the partie plaintise or demaũdãt shalbe taken but as a void plee, & to that he shal not be put to aunswere. And that in all the aforesaide processe suche daye shalbe geuẽ as in a writ of Dower, & none essoine or protection to lie nor to be allowed in the saue. And if the said graũd iurie appeare not vpon the first distresse had against them, so that the iurie for their defaut do remaine, he that maketh defaute shall forfait to the king twenty shillings, and vpon the secõd distresse forty shillings and after makig defaut, for euery such defaut fiue pouñd. And like penalties and forfaitures to be against them and euerie of them that shalbe named in the Tales, as is afore expressed against euery of the saide graund iurie aforesaide. And that for and by the death of the partie or anie of the said petit iurie, the said attaint shal not abate, nor be deferred agaīst the remnant, as long as two of the said petite iurie be aliue.

And if hereafter any false verdit be geuen in any action, suite or demaunde, afore anie Justice or iudge of record, of any thing personal, as debt, trespas, and other like, which shalbe vnder the value of forty pound, that then the party greued shall haue attaint, & such proces and plees as is afore rehearsed, and delaies to be takẽ away as is afore remembred: except that in this case of attaint euery person of the graunde iurie that may

dispend

dispend .v. marks by the yere of freehold out of auncient demesne, or is worth an hundred marke of goods and cattalles, shalbe able to passe in the same attaint. And if the petit iurie be attainted, that then they shall in this case of attaint euerie of them forfait .x. li. whereof one halfe shalbe to the king, & the other halfe to the party, after the fourme afore rehersed, & ouer þ to make fine & raunsome by the discretion of the Iustices, as is aforesaid. ¶ And if there be not personnes of such sufficiencie within the shire or place where anie of the said attaints shalbe taken as may passe in the same, be it ordeined by þ authoritie aboue said, that then one Tales shalbe awarded into the shire next adioinig by the discretion of the Iustices, afore whō the same attaints shalbe taken, which shalbe warned to appeare vpō like paines as is aforesaid, and enabled to passe in the said attaints, as if they were dwelling in þ shire, where the same attaint shalbe taken. And that the same lawes, action and remedy ordeined by this present act, be kept for and to all them that shalbe greeued by such vntrue verdicts of any inheritāce. in discent, reuersion, remaindre, or of any freehold in reuersion or remaindre. And if the party in attaint geuen by this act be nōsuit, or þ same discōtinue, that then the same partie so nōsuit, or so discōtinuing the said attaint, make fine & raūsō by þ discretiō of þ iustices afore whō the said attaint shalbe taken & depending.

¶ And

¶ And that all attaintes hereafter to bee taken, shalbe taken afore ye king in his benche or afore the Justices of the cõmõ place and in more other courtes. And that writ prius shalbe graũted by discretion of the Justices vpon the distresse. And euery of the said petit iurie may appeare & answer by attorney in the said attait. And ye moity of ye said forfaiture of the petit iurie shal bee leuied to thuse of our soueraigne lord by Capias ad satisfaciend, or Fieri fac, or Elegit, or by action of debt against euerie ꝑson of the petit iurie so forfaiting, & against his executours and administratours, hauing then sufficient goods of their said testator not administred and the other moitie shal by like processe be leuied to the vse of the partie that sueth any attaint geuen by this acte, against euerie of the said petit iury and his executours or administratours, hauing then sufficiencie of goods as is aforesaide not administred: and the iudgement of restitution to the partie greeued ensuing this act and execution of the same to be had, and like iudgement for the partie defendant or tenant to bee discharged of restitution, as afore this present act in case of a grãd attaint hath bẽ vsed. And if there bee diuers pleintifes or demaundauntes in attaynt, that the nonsuits or release of ante of them shall not bee in anie wise hurtfull or prejudiciall to the residue, but that they & euerie of thẽ in such cases may

bee

be ſommoned & ſeuered like as it is vſed whē there be diuers demaūdāts in actiōs reals.

¶ Be it alſo ordeined and enacted by the authoritie aboueſaid, that in euery writ of attaint hereafter to be taken by or vpō this act, the which ſhalbe ſuch as other writs of attaint bee, and after the Teſte of the ſame writ, ſhalbe written theſe wordes in latin: Per ſtatut' continuat' vſque annū vicesimum tertium domini Henrici octaui dei gratia Angliæ & Franc. regis, fidei defenſ. & domini Hiberñ.

¶ And it is alſo enacted, that this act ſhal take effect for verdicts hereafter to bee geuen & to continue to the laſt day of the next parliament.

¶ Prouided alway, that this act be not preiudicial to a ſtatute made in the xj. yere of the late king of famous memory Hēry ỹ viij. for puniſhmēt of periury in vntrue verdicts geuen in plaintes ſued in the courtes of the citie of London, but that it ſhall be at the libertie of al perſons for and vpon anie vntrue verdict geuen in any courtes of the ſame citie, to ſue their attaint vpon this eſtatute, or elſ vpon the ſaid eſtatute made in the ſaide xj. yere at their owne pleaſures & willes. | 35 An. 11. H. 7. ca. 21. Attaint 13.

¶ For attaints in London. Note ỹ this ſtatut is made perpetual. Anno. 13. Elizab. cap. 25.

¶ In

An acte expreſſing an order for vſes and willes. 27. H. 8. cap. 10. Vſes. 9.

WHere by the common lawes of this realme, landes, tenements and hereditamentes, be not deuiſible by teſtament, nor ought to be tranſferred, from one to an other, but by ſolemne liuery and ſeaſon matter of record, writting ſufficient, made bona fide without couine or fraude, yet neuertheleſſe, diuers and ſundrie imaginations, ſubtile inuentions and practiſes haue ben vſed: whereby the hereditaments of this realme haue ben conueied frō one to another by fraudulent feoffements, fines, recoueries and other aſſurances craftily made; to ſecret vſes, intents and truſtes, and alſo by willes and teſtaments, ſometime made by nude parroll and woordes, ſometime by ſignes & tokens, and ſometime by writing, and for the moſt part made by ſuch perſons as be vexed with ſickenes in their extreame agonies and paines, or at ſuch time as they haue had ſcantly any good memorie or remembrance: at which times they being prouoked by gredy and couetous perſons, lying in a waite about thē, do many times diſpoſe indiſcretly and vnaduiſedly their landes and inheritances, by reaſon wherof & by occaſiō of which fraudulent feoffements, fines, recoueries, and other like aſſurances to vſes, confidences & truſtes, diuers and many heires haue bene

minuſtly

mutually at sundry times disherited, the lordes haue lost their wardes, mariages, reliefes, harriots, escheates, aides pur faire fitz chiualer, & pur file marier, and scantly any person can be certainly assured of any landes by thē purchased, nor knowen surely against whō they shall vse their actions or execution for their rightes, titles and dueties. Also men maried haue lost their tenants by the curtesie, women their dowers, manifest parauntes, by triall of such secret willes and vses, haue bene committed. The kinges highnesse hath lost the profittes and aduauntages of the landes of persones attainted, and the landes craftely put in feoffement to the vses of aliens borne, and also the profites of waste for a yeare and a daye, of landes of felons attainted, & the lordes their escheates thereof, and manye other inconueniences haue happened and dayly do encrease among the kinges subiectes, to their great trouble and inquietnes, and to the vtter subuersion of the auncient cōmon lawes of this realme. For the extirping and extinguishment of all suche subtill practised feoffementes, fynes, recoueryes, abuses, and errours, heretofore vsed and accustomed in this realme, to the subuersion of the good and auncient lawes of the same, and to thintent that the kynges highnesse, or anye other his subiectes of this realme shall not in anye wyse hereafter by anye meanes, or inuentions, bee deceiued, domaged or hurted, by reason of

suche

ſuche truſtes, vſes or confidences, it maye pleaſe the kynges moſt royall maieſtie, that it may bee enacted by his highnes, by thaſſent of the lordes ſpirituall and temporall, & the commons in this preſent parliament aſſembled, and by auctoritie of the ſame, in manner and forme following: that is to ſay, that where any perſon or perſones ſtand or be ſeaſed, or at any time hereafter ſhall happen to be ſeaſed, of & in any honours, caſteis, manours, landes, tenementes, rentes, ſeruices, reuerſions, remainders or other hereditamentes, to the vſe, confidence or truſt of any other perſone or perſones, or of anye body politique, by reaſon of anye bargayne, ſale, feoffement, fine, recouerye, couenaunt, contract, agreement, will or otherwyſe, by any manner meanes whatſoeuer it bee, that in euerye ſuche caſe, all and euery ſuch perſonne and perſonnes, and bodies politique, that haue or hereafter ſhall haue anye ſuche vſe, confidence or truſte, in fee ſimple, fee taile for terme of lyfe or of yeares, or otherwyſe or any vſe, confidence or truſt in remainder or reuerter, ſhall from henceforth ſtande and be ſeaſed, deemed, and adiudged in lawefull ſeaſon eſtate and poſſeſſion, of & in the ſame honours, caſteis, manours, landes, tenements, rentes, ſeruices, reuerſions, remainders, and hereditamentes, with their appurtenaunces to all intentes conſtructions and purpoſes in the lawe, of and in ſuche like eſtates, as they had or ſhall haue in vſe,

in vse, trust, or confidence, of or in the same. And that the estate, title, right and possession that was in such person or persons, ỹ were, or hereafter shalbe seased, of any landes, tenementes or hereditamentes, to the vse, confidence or trust of any such person or persons, or of any body politike, bee from henceforth clerely deemed and adiudged, to be in him or them that haue or hereafter shall haue such vse, confidence or truste, after such qualitie maner fourme and condition, as they had before, in or to the vse, confidence or trust, that was in them.

¶ And be it further enacted by the authoritie aforesayd, that where diuers and many persons, bee or hereafter shall happen to bee iointly seased, of and in all lands, tenements, rents, reuersions, remainders or other hereditaments, to the vse, confidence or trust of any of them, that be so iointly seased, that in euery such case, that those person or persons, which haue or hereafter shall haue, any such vses, confidence or trust, in any such landes, tenementes, rentes, reuersions, remainders, or hereditamentes, shall from henceforth, haue and bee deemed and adiudged to haue, onely to him or them, that haue or hereafter shall haue suche vse, confidence or trust, such estate, possession and season, of and in ỹ same landes, tenementes, rentes, reuersions, remaynders, or other hereditamentes in lyke nature, maner, fourme, condition, and course, as he or they had before in the vse, confidence,

confidence or trust of the same landes, tenementes, or hereditamentes. Sauing, and reseruing to all and singuler persons and bodies politike, their heires and successours, other then those person or persones, which be sealed or hereafter shalbe sealed of any landes tenemēts or hereditamēts to any vse, confidence or trust, al such right, title, entrie, interest, possession, rents and action, as they or any of them had or might haue had before the making of this acte.

¶ And also saluing to all and singuler those persons, and to their heires, which be or hereafter shalbe sealed, to any vse, all such former right, title, entrie, interest, possessions, rents, customes, seruices, and action, as they or any of them might haue had to his or their owne proper vse, in or to any manours, landes, tenementes, rentes, or hereditamentes, wherof they be or hereafter shalbe sealed to any other vse, as if this present act had neuer ben had nor made: any thing contained in this acte to the contrary notwithstanding.

¶ And where also diuers persons stand and be sealed of, and in any landes, tenementes, or hereditamentes, in fee simple, or otherwise to the vse or intēt that some other person or persons, shal haue and perceiue yerely to them and to his or their heires one annual rent, of tenne pounds or more or lesse out of the same landes and tenementes, and some other person one other annuall rent to him & his assignes for terme of life, or yeares, or for

ſome other ſpeciall time, accoꝛding to ſuche intent and vſe, as hath bene heretofoꝛe declared limitted and made thereof. Be it therfoꝛe enacted by the aucthoꝛitie afoꝛeſaid that in euery ſuche caſe, the ſame perſones their heires and aſſignes, that haue ſuche vſe and intereſt, to haue and perceiue any ſuch annuall rentes out of any landes, tenementes, oꝛ hereditamentes, that they and euery of them their heires and aſſignes, bee adiudged and deemed to bee in poſſeſſion and ſeiſon of the ſame rent, of and in ſuche like eſtate, as they had in the title intereſt oꝛ vſe of the ſayde rent oꝛ pꝛofite, and as if a ſufficient graunt oꝛ other lawfull conueiance had bē made and executed, to them, by ſuche as were oꝛ ſhal bee ſeaſed to the vſe oꝛ intente of anye ſuche rente to bee had made oꝛ payde, accoꝛding to the verye truſte and intent thereof. And that all and euery ſuch perſon and perſones, as haue oꝛ hereafter ſhall haue, any title, vſe and intereſt, in oꝛ to any ſuch rent oꝛ pꝛofite, ſhall lawfully diſtreine foꝛ none paiment of the ſaid rent, and in their owne names make aduowꝛies, oꝛ by their Bailifes oꝛ ſeruantes make cogniſances & iuſtifications, & haue all other ſuites entries, & remedies, foꝛ ſuch rēts as if the ſame rents had bē actually & really graunted to them, with ſufficient clauſes of diſtres reētry oꝛ otherwiſe, accoꝛding to ſuch conditions paines oꝛ other thinges limitted and appointed vpon the truſt and intent foꝛ payment of ſuertie of ſuch rent.

¶ And

¶ And be it further enacted by the auctho-
ritie aforesaid, that where as diuers persons
haue purchased or haue estate made & con-
ueied of and in diuers landes, tenementes &
hereditamentes vnto them & to their wiues
and to the heires of the husbande, or to the
husband & to the wife, and to the heires of
there two bodies begotten, or to the heirs of
one of their bodies begotten, or to the hus-
band and to the wife for terme of their liues
or for terme of life of ye said wife. Or where-
ante such estate, or purchase of anie landes,
tenements, hereditamẽts, hath ben or here-
after shalbe made to anie husbãd and to his
wife, in maner and fourme aboue expressed,
or to anie other person or persons, & to their
heires and assignes, to the vse & behoofe of
the saide husband and wife, or to the vse of
the wife, as is before rehearsed, for the tour-
ter of the wife: that then in euery such case,
euery woman maried, hauing such tointer
made or hereafter to be made, shal not claim
nor haue title to haue any dower of the re-
sidue of the lands, tenemẽts or hereditamẽts
that at any time were her said husbands by
whõ she hath any such tointer, nor shal de-
maund nor claime her dower of and against
them that haue the landes and hereditamẽ-
ces of her saide husbande. But if she haue
no such tointer, then she shall be admitted
and inabled to pursue, haue and demaunde
her dower by writte of dower, after the
due course and order of the common lawes

of this Realme this act or any lawe or pr=
uision made to the cõtrary therof notwith=
standing.

¶ Prouided alway, that if any such wo=
mã be lawfully expulsed or euicted frõ her
said ioinder, or from any part therof, with=
out any fraude or couine, by lawfull entre,
action or by discontinuance of her husband,
then euery such woman shal be endowed of
as much of the residue of her husbandes te=
nementes, or herditamentes, wherof she
was before dowable, as the same landes and
tenementes, so euicted and expulsed, shall a=
mount or extend vnto.

¶ Prouided also, that this acte or anie
thing therein contained or expressed, extende
or be in any wise hurtful or prejudicial to a=
nie woman or women, heretofore being ma=
ried, of for or concerning such right, title, vse
interest or possession, as they or any of them
haue claime or pretende to haue for her or
their ioinder or dower, of, in or to anie ma=
nours, landes, tenementes, or other hereditamentes of any of their late husbandes, be=
ing now dead or deceased, any thing contai=
ned in this act to the contrary notwithstã=
ding.

¶ Prouided also, that if any wife haue or
hereafter shal haue any maners, landes, te=
nements, or hereditaments, vnto her geuen
or assured after mariage, for terme of her
life, or otherwise in ioinder, except the same
assurance bee to her made by acte of parlia=
ment,

ment, and the said wife after that fortune to ouer liue the same her husbande, in whose time the saide ioynter was made or assured vnto her, that then the same wife, so ouer liuing, shall and may at her libertie, after the death of her saide husband, refuse to haue & take the landes, and tenementes, so to her geuen, appointed or assured, during the couerture, for terme of her life or otherwise in ioynter: except the same assurance be to her made by acte of parliament, as is aforesaid, and thereupon to haue, alke, demaunde and take her dower, by writ of dower, or otherwise, according to the common law, of and in all such landes, tenements, and hereditamentes, as her husband was and stoode seised of any state of inheritance, at anie time during the couerture, anie thing contayned in this act to the contrarie in any wise notwithstanding.

¶ Prouided also that this present act nor any thing therein contained, extende, nor bee at any time hereafter interpreted, expouded or taken, to extinct, release, discharge or suspend any statute, recognisance, or other bond by the creation of any estate, of, or in anie landes, tenementes, or hereditamentes, by the authoritie of this acte, to any person or persons or bodies politique, any thing contained in this act to the cõtrary therof notwithstanding.

¶ And forasmuch as great ambiguities & doubtes may arise of ỹ validity & invalidity

of willes heretofore made of anie lands, tenements, and hereditamentes, to the great trouble of the kinges subiectes, the kinges most royal maiestie minding the tranquilitie and rest of his louing subiectes, of his most excellent and accustomed goodnes is pleased and contented, that it bee enacted by thauctoritie of this present parliament, that all maner true and iust willes and testamentes, heretofore made, by anie person or persones, deceased, or that shall decease, before the firste day of May, that shall be in the yere of our lord god M.D.C.xxxvj. of anie lands, tenements, or other hereditamentes, shalbe taken and accepted good and effectuall in the lawe, after such fashion, maner and fourme, as they were commonly taken & vsed, at anie time within fortie yeres next afore the making of this act, anything conteined in this act, or in the preamble thereof, or anie opinion of the common lawe to the contrarie thereof notwithstanding.

Prouided alwaies, that the kinges highnes, shall not by this act demaunde, or take, anie aduauntage or profite for or by occasion of the executing of anie estate, onelie by thauctoritie of this acte to anie persone or persons, or bodies politique, which now haue, or on this side the saide firste day of May, which shall bee in the yeare of our lorde god M.D.C.xxxvj. shall haue, anie vse in vses, trustes, or confidences, in anie manours, landes, tenementes, or hereditamentes

mentes, holden of the kinges highnes, by reaſon of yͤnner ſeyſon, liuerie, ouſter le maine, fine for alienation, relieſe, or harriot but that fines for alienations, relieſes, and hariottes, ſhal bee paide to the kings highneſſe. And alſo liueries and ouſter le mains ſhal be ſued for vſes, truſtes, and confidentes to bee made and executed in poſſeſſion, by aucthoritie of this acte, after and from the ſayde firſte daye of Maye, of landes, and tenementes and other hereditamentes holden of the king in ſuch like maner and fourme, to all intentes, conſiderations, and purpoſes as hath heretofore ben vſed or accuſtomed by ỹ order of ỹ lawes of this realm

¶ Prouided alſo, that no other perſon or perſons or bodies politique, of whom anie lãds, tenements, or hereditamẽts be or hereafter ſhal be holden, mediate or immediate, ſhal in any wiſe demaund or take, anie fine, relieſe, or hariot, for or by occaſion of ỹ executing of any eſtate by ỹ auctoritie of this act to any perſon or perſons or bodies politique, before ỹ ſaid firſt day of May, which ſhall bee in the yere of our lord god. 1536.

¶ And be it enacted by auctority aforeſaid that all and ſinguler perſon and perſons, & bodies politique, which at any time on this ſide the ſaid firſt day of May which ſhalbe in the yere of our lord god 1536. ſhall haue anie eſtate vnto them executed, of and in anie landes, tenementes, or hereditamentes, by the auctoritie of this acte, ſhall

and may haue and take the same or like advauntage, benefite, voucher, ayde praier, remedy, commoditie and profite, by action, entrie, condition or otherwise, to al intents constructions and purposes, as the personne or persons seised to their vse, of, or in any such landes, tenementes, or hereditamentes, so executed, had, shold, might or ought to haue had, at the time of the execution of the estate therof, by the authority of this act, against any other person or persones, of, or for anie waste, disseisin, trespas, condition broken, or any other offence, cause or thing concerning or touching the said lands or tenemēts so executed by the authoritie of this act.

¶ Prouided also, and be it enacted by the authoritie afore said, that actions nowe depending against any person or persons, seysed of or in any lands, tenements, or hereditaments, to any vse, trust or confidence, shal not abate nor be discharged for or by reasō of executing of any estate therof by authority of this acte, before the said first day of May which shalbe in the yere of our Lord God. 1536. any thing contained in this act to the contrary notwithstanding.

¶ Prouided also, that this act nor anie thing therein contained, shal not be preiudicial to the kings highnes, for wardshippes of heires now beig within age, nor for liueries or for oulter le maines, to be sued by anie person or personnes, now being within age, or of full age, of any lands or tenemēts

vnto

vnto the same heire or heires nowe alreadie discended, any thing in this act contained to the contrary notwithstanding.

¶ Prouided also, and be it enacted by the authoritie aforesaide, that all and singuler recognisances heretofore knowledged, take or made, to the kinges vse, for or concerning any recoueries of any landes, tenements or hereditamentes heretofore vsed or had, by writ or writtes of entre vpon disseisin in le post, shal from henceforth be vtterly voyde and of none effecte to all intentes, constructions, and purposes.

¶ Prouided also, that this acte, nor any thing therein contained, be in any wise preiudicial or hurtful to any person or persons borne in Wales, or the marches of the same which shal haue any estate to thē executed by authoritie of this act, in any landes, tenementes, or other hereditamentes, within this realme, whereof any other person or psons nowe stand or be seised, to the vse of any such person or persons borne in Wales or ꝑ marches of the same: but that the same person or persōs borne in Wales or ꝑ marches of the same, shal or may lawfully haue retaine and kepe the same landes, tenements or other hereditaments, whereof estate shal be so vnto them executed by the authoritie of this act, according to ꝑ tenour of ꝑ same any thing in this act cōtained, or any other acte or prouision heretofore had or made to the contrary notwithstanding.

¶ An

Inrollements.

¶ An acte concernig Inrolmentes of bargaines, and contractes of landes & tenements. an. 27. H. 8. Cap. 16.

¶ Inrollementes. 2.

BE it enacted by the authoritie of this presente parliamēt, that frō ỹ last day of July, which shalbe in the yere of our Lord god 1536. no manours, landes, tenements, or other hereditamentes, shal passe, alter, or change, from one to another, whereby any state of inheritance or freeholde, shalbe made or take effecte, in any person or persons, or any vse thereof to be made, by reason onely of anye bargaine and sale thereof, excepte the same bargaine and sale be made by writing indented, sealed, and inrolled in one of the kinges courtes of recorde at Westminster, or elles within the same coūtie or coūties where the same manoures, landes, or tenementes, so bargayned and sold, lie or be, before the Custos Rotulorum, and two Justices of the peace and the clerke of the peace of the same countie or counties, or two of them at the least whereof the clerke of the peace to bee one: and the same enrollement to be had & made within sixe monethes next after the date of the same writinges indēted, the same custos Rotulorum, or Justices of the peace, and

clerke

clerke, takinge for the enrolment of euerye suche writinge indented before them, where the land compriſed in the ſaine writing exceede not the yerlye value of fortye s. two ſhillings, that is to ſay, xii.d. to the Juſtices, and xii.d. to the clerke, and for the inrolment of euery ſuche writing indented before them, wherin the land compriſed exceede the ſumme of xl.s, yerely value v.s. that is to ſay, ij.s.vi.d. to the ſaid Juſtices, and ij.s.vi.d. to the ſaid clerke for the enrolling of the ſame. And that the clerke of the peace for the time being, within euery ſuche countie, ſhal ſufficientlye enrolle & engroſſe in parchment the ſame deedes or writinges indented, as is aforeſaide, & the rolles therof at the ende of euery yere ſhal deliuer vnto the Cuſtos Rotulorum of the ſame county for the time being, there to remaine in the cuſtodie of the ſaide cuſtos Rotulorum for the time being, amongſt other recordes of euerie of the ſame counties, where any ſuch enrolmentes ſhalbee ſo made, to the entent that euery partie that hath to doe therwith may reſorte & ſee the effect & tenour of euery ſuch writing ſo enrolled.

¶ Prouided alwaies that this acte nor any thing therin contained, extēd to any manner landes, tenementes, or hereditamentes, lying or being within any Citie, borough, or towne corporate within this Realme, wherin the Maiors, recorders, chamberlains, bailifs, or other officer or officers haue

auctoritie or haue lawfully vsed, to enrol any euidences, deedes, or other writinges within their precincte or limittes, any thing in this acte contayned, to the contrary notwithstanding. | See after a statute made 34.H.8.cap.22.touching deedes enrolled in such Cities. &c.|

¶Partition.

¶ An acte concerning iointenants and tenants in common, An. 31.H.8. Cap.1. Partition.3.

FOr as much as by the cõmõ lawes of this realme, diuers of the kinges subiectes, being seised of manours, lãds, tenements and hereditaments, as iointenantes, or as tenants in common, with other of any estate of inheritance, in their owne rightes, or in the right of their wiues, by purchase, discent, or otherwise, and euery of them so being iointenãtes or tenants in common, haue like right, title interest and possession in the same manours lands, tenementes, and hereditamentes, for their partes and portions iointly or in cõmon, vndeuidedly together with other, and none of them by the law doth or may know their seuerall parts or portions in the same, or that that is his or theirs by it selfe vndeuided

tuded: and cannot by the lawes of this realme otherwise occupie or take the profites of the same, or make any seuerance, deuision, or partition thereof, without other of theyr mutuall assentes and consentes, by reason whereof diuers and many of them, being so ioinctlye and vndeuidedly seised of the sayde manours, landes, tenementes and hereditamentes, oftentimes of their peruers couetous and malicious mindes and willes, against al right, iustice, equitie, and good conscience, by strength and power, haue not onely cut and fallen downe all the woodes and trees growing vpon the same, but also haue extirped subuerted pulled down, and distroied al the houses, edifications, and buildings, meadowes, pastures, commons, & the whole commodities of the same, and haue take and conuerted them to their owne vses, and behoues, to the open wrong and disherison, and against the mindes and willes of other, holding the same manours, landes, tenementes, and hereditamentes, iointly or in common with them, and they haue bene alwaies without assured remedy for the same: Be it therefore enacted by the king our most dread souereigne lord, and by thassent of the lordes spirituall and temporall, and by the commons in this present parliament assembled, that all iointenantes, and tenauntes in common that nowe be, or hereafter shall be of any estate or estates of enheritaunce, in their owne rightes, or in the righte of their

wiues

lowes, of any manours, landes, tenementes, or hereditamentes, within this Realme of Englande, Wales, or the marches of ye same shall and may be coacted and compelled by vertue of this present acte, to make particion betwene them, of al such manours, landes, tenements and hereditaments, as they now holde, or hereafter shal holde, as iointenants or tenauntes in common, by writ De participione facienda, in that case to be deuised, in the king our soueraigne lordes court of chauncerie, in like maner & fourme as copartceners by the common lawes of this Realme, haue bene and are compelled to do, and the same writ to be pursued at the common lawe.

¶ Prouided alway & be it enacted, that euery of the saide iointenantes or tenantes in common, and their heires, after such particion made, shall and may haue ayde of the other, or of their heires, to the intent to dereigne the warrauntie paramont, and to recouer for the rate, as is vsed betwene copartceners after particion made, by the order of the common lawe, any thing in this act conteined to the contrary notwithstanding.

¶ The after a statute made 32. H. 8. ca. 32. touching Particion betwene tenants of particuler estates.

¶ An acte whereby religious houses dissolued, and their landes are assured to the king. And how leases and grauntes made of them shall take effect. An. 31. H. 8. cap. 13.

¶ Monasteries. II.

WHere diuers and sundrie abbottes, priours, abbesses, prioresses, and other ecclesiasticall gouernours and gouernesses, of diuers monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, and other religious and ecclesiasticall houses and places, within this our soueraigne lord the kings Realme of England and Wales, of their owne free and voluntarie myndes, good willes, and assentes without constraunte coaction or compulsion of any maner of persone or persones, sithen the iiij. daye of Februarye, the xxvij. yeare of the raigne of our nowe most dread soueraigne Lorde, by the due order and course of the commō lawes of this his Realme of Englande, and by theyr sufficient writyngs, of recorde, vnder their couent and common seales, haue seuerallye geuen, graunted, and by the same their writyngs, severallye confirmed, all theyr sayde monasteries, abbathyes, priories, nunries, colledges, hospitals, houses of friers, and other religious and ecclesiasticall houses, and places, and all their sites, circuites, and precinctes of the same, and all and

singuler

singuler their manours, lordships, granges, meases, landes, tenementes, medowes, pastures, rentes, reuersions, seruices, woodes, tithes, pensions, porcions, churches, chapels, aduowsons, patronages, annuities, rightes, entries, conditions, commons. leets, courts, liberties. priuiledges, and franchises, appertaining or in any wise belonging to any such monasterie, abbathie, priorie, nunrie, colledge, hospitall house of friers, and other religious and ecclesiasticall houses and places or to any of them, by what so euer name or corporation they or any of them were then named or called, and of what order, habyte, religion, or other kind of qualitie soeuer they or any of them then were reputed knowen or taken. To haue and to holde all the sayde monasteries, abbathies, priories, nūries, colledges, hospitales, houses of friers, and other religious and ecclesiasticall houses and places, sites, circuits, precinctes, manours, landes, tenements, meadowes, pastures, rents, reuersions, seruices, and al other the premisses, to our said soueraigne lorde his heires and successours for euer, and the same their sayde monasteries, abbathies, priories, nunries, colledges, hospitalles, houses of friers, and other religious and ecclesiasticall houses and places. sites, circuites, precinctes, manours, lordshippes, graunges, meases, landes, tenementes, medowes, pastures, rentes, reuersions, seruices, and other the premisses, voluntarilye as is aforesayde, haue

renounced

renounced, left and forsaken, and euerie of them hath renounced, left and forsaken. Be it therefore enacted by ỹ king our soueraign lorde and the lordes spiritual & temporal, and the commons in this presẽt parliamẽt assembled and by authoritie of the same, ỹ the king our soueraigne lord shal haue, hold, possede & ẽioy to him his heirz & successorz for euer, all and singuler such late monasteries, abbathies, priories, nũries, colledges, hospitals, houses of friers & other religious and ecclesiasticall houses & places, of what kindes, natures, qualities, or diuersities of habites, rules, professions or orders they or any of them were named, knowen or called, which sith ỹ said fowerth day of Februarie, the xxvij. yere of the raigne of our saide soueraigne lorde, haue beene dissolued, suppressed, renounced, relinquished, forfaited, geuen vp, or by anie other meane come to his highnesse, and by the same authoritie, and in like maner shal haue, hold, possede & enioy all the sites, circuites, precincts, manners, lordships, graũges, meases, landes, tenementes, medowes, pastures, rentes, reuersions, seruices, woods, tithes, pentions, porciõs, personages appropried, vicarages, churches, chappels, aduowsons, nominations, patronages, ãnuities, rights, interests, entries, conditions | &c. 32. H. 8. ca. 34. | cõmons, leetes, courtes, liberties, priuiledges, fraũchises, and other whatsoeuer hereditamentes, which appertained or belonged, to

the said late monasteries, abbathies, priories nunries, colledges, hospitals, houses of fryers, & other religious or ecclesiastical houses and places, or to any of thē, in as large and ample maner and fourme as the late abbots priors, abbesses, prioresses, and other ecclesiasticall gouernours and gouernesses, of such late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of fryers, & other religious & ecclesiasticall houses and places, had, held, or occupied, or of right ought to haue had, holde, or occupied, in the right of their said late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of fryers, or other religious or ecclesiasticall houses or places, at the time of the said dissolution, suppression, renouncinge, relinquishing, forfaiting, geuing vp, or by any other maner of meane comming of the same to the kinges highnes sithē ỹ fourth day of February aboue specified.

¶ And it is further enacted by the auctoritie aboueslaide, that not onlye al the sayde late monasteries, abbathies, priories, nunries, colledges, hospitalles, houses of fryers and other religious and ecclesiasticall houses, and places, sites, circuites, procinctes, mannours, lordshippes, graunges, meases, landes, tenementes, medowes, pasture, rentes, reuersions, seruices, and all other the premisses, forthwith immediately & presently, but also al other monasteries,

abbathies,

abbathies, priories, nunries, colledges, hospitals, houses of friers and all other religious & ecclesiasticall houses & places, which hereafter shall happen to be dissolued, suppressed renounced, relinquished, forfaited, geuen vp, or by any other meane come vnto the kings highnesse, and also all the scites, circuites, precinctes, manours, lordships, granges, messes, landes, tenementes, medowes, pastures, rentes, reuersions, seruices, woods, tythes, pensions, portions, personages appropriate, vicarages, churches, chappels, aduowsons, nominations, patronages, annuities, rights, interestes, entres, conditions, commons, leetes, courtes, liberties, priuileges, fraunchises, & other hereditamentes whatsoeuer they bee, belonging or appertaining to the same, or any of them, whensoeuer & as sone as they shalbe dissolued, suppressed, renounced, relinquished, forfaited, geuen vp, or by any other meane come vnto the kings highnes, shalbe vested, deemed & adiudged by authoritie of this present parliament, in ye very actuall and real season and possession of the king our soueraigne lorde, his heyres and successours for euer, in the state & condition as they nowe bee, & as though al ye said late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers & al other religious & ecclesiastical houses & places so dissolued, suppressed, renoūced, relinquished, forfaited, geuē vp, or come to ye kinges highnes, as is aforsaid, as also ye said monasteries

abbathies, pryories, nunries, colleges, hospitals, houses of friers and other religious & ecclesiasticall houses & places, which hereafter shal happen to be dissolued, suppressed, renounced relinquished, forfaited, geuen vp or come vnto the kinges highnes hies, circuits precinctes, manours, lordships, granges, landes, tenementes, and other the premisses, whatsoeuer they be, and euery of them were in this present act specially & particularly rehersed, named & expressed by expresse wordes names, titles and faculties, and in their natures, kindes and qualities,

¶ And be it also enacted by thauctority aforesaide, that all the saide late monasteries, abbathies, pryories, nunries, colledges, hospitals, houses of friers, & other religious and ecclesiasticall houses, & places which ben dissolued, suppressed, renounced, relinquished, geuen vp, or come to the kinges highnes, by any maner of meanes, as is aforesaide, and al the manors, lordships, granges, landes, tenements, and other the premisses (except such thereof as be comen to the kings hãds by attainder or attainders of treason) and al the said monasteries, abbathies, pryories nũries, colledges, hospitals, houses of friers, & other religious and ecclesiasticall houses or places, which hereafter shall happen to bee dissolued, suppressed, renounced, relinquished forfaited, geuen vp, or come vnto the kinges highnes, & al the manors, lordships, grãges, lands, tenemẽts, medowes, pasturs, rentes,

reuer-

reuercions, seruices, woods, tithes, portions, pentions, personages, appropriate vicarages, churches, chapels, aduowsons, nominations, patronages, annuities, rightes, interestes, entries, conditions, commons, leetes, courtes, liberties, priuileges, franchises & other hereditamētes whatsoeuer they be, belōging to the same or to any of thē (except such thereof, which shal happē to come to ꝑ kings highnes by attainder or attainders of treason) shalbe in the order surucy, & gouernance of our said soueraigne lorde the kinges court of Augmentations of the reuenues of his crowne & of the chauncellour, officers and ministers of the same. And all the fermes, issues, reuenues and profits, comming & growing of the premisses, & of euery part thereof (except before except) shalbe ordered taken and receiued to the kinges vse by the saide Chauncellour, ministers, and officers of the same court, in such and like maner & forme as the monasteries, priories, sites, circuites, manours, graunges, incales, landes, tenementes, rentes, reuersions, seruices, tithes, pensions, portions, aduowsons, patronages, rightes, entries, conditions, and other hereditamentes late appertaining or belonging vnto the monasteries, abbathies, priories, or other religious houses, late by auctoritie of parliament suppressed, | videlicet, 27. H. 8. in part, but in Rastals olde Monasteries. | haue ordered surueied & gouerned. Hauing to all & euery persons and persons & bodies

politike & their heires & succeſſours, and the heires and ſucceſſours of all & euery of them other then the ſaid late abbots, priours, abbeſſes, prioreſſes, and other eccleſiaſticall gouernours & gouerneſſes of the ſaide late monaſteries, abbathies, priories, nunries, colleges, hoſpitall, houſes of friers, and other religious & eccleſiaſticall houſes & places, & their ſucceſſours, & the ſucceſſours of euery of them & ſuch as pretende to bee founders, patrones or donours of ſuche monaſteries, abbathies, priories, nunries, colledges, hoſpytals, houſes of friers and other eccleſiaſticall houſes and places, or of any manours, meſſuages, landes, tenementes, or other hereditamentes, belonging to ye ſame or to any of them, their heires & ſucceſſours, & the heires & ſucceſſours of euery ſuch founder, patron, or donour: and ye nowe abbots, priours, abbeſſes, prioreſſes, and other eccleſiaſticall gouernours and gouerneſſes of ſuch monaſteries, abbathies, priories, nunries, colledges, hoſpitals, houſes of friers, and other religious & eccleſiaſticall houſes and places, which hereafter ſhall happen to be diſſolued, ſuppreſſed, renounced, relinquiſhed, forfaited, geuen vp, or come to the kinges highneſſe, and ſuch as pretend to be founders, patrons or donours of ſuch monaſteries, abbathies, priories, nunries, colledges, hoſpitals, houſes of friers & other eccleſiaſticall houſes and places, or of any manours, meſſuages, landes, tenements, or other hereditamentes to the ſame belonging

king, or to any of them, their heires and successours, and the heires and successours of euery of them) all such right, title, clayme, interest, possession, rents, charges, annuities, leases, fermes, offices, fees, liueries, and lyuinges, portions, pensions, couodies, commons, synodes, proxies, and other profits, which they or any of them haue claime, ought, may or might haue had in or to the premisses, or to any part or parcell thereof, in such like maner, fourme and condition to all intents, respectes, constructions and purposes, as if this acte had neuer ben had ne made (rents, seruices, rēts seek, & al other seruices & suites onely except.)

¶ Prouided alwaies & be it enacted by ye authority aboue said, that if any late abbot, priour, prioresse, abbesse or other ecclesiastical gouernour or gouernesse aboue said, within one yere next before the dissolution, suppression, renouncing, relinquishing, forfaiting, geuing vp, or comming to ye kings highnes of his late monasterie, abbathie, priorie, nunry, colledge, hospital, house of friers, or other religious or ecclesiastical house or place, hath made any lease or graunt, vnder his couent or common seale, or otherwise for terme of life, or for terme of yeres, of the site, circuit, & precinct of his said late monasterie, abbathie, priorie, nunrie, colledge, hospital, house of freyers or other religious or ecclesiasticall house or place, or of any part thereof, or of any maners, messuages, graunges, landes,

tenements, personages appropriate, tithes, pensions, portions, or other hereditaments which belonged or appertained to his saide late monasterie, abbathy, priorie, nunry, colledge, hospital, house of friers, or other religious or ecclesiastical house or place, which maners, messuages, graunges, landes, tenements, personages appropriate, tithes pentions, porcions or other hereditamts were not before the same lease, commonly vsed to be set nor let to ferm, but kept and reserued in the manurance, tillage or occupation of ye said gouernour or gouernesse, for the maintenance of hospitalitie and good house keeping: or within one yere, as is aboue saide, hath made any lease or graunt for terme of life, or for terme of yeares, or of any maners, messuages, lands, tenements, medowes, pastures, woods, psonages appropriate, tithes, pentions, portions, churches, chappelles, or other hereditaments what soeuer they bee, whereof or in the which, any estate or interest for terme of life, yeare or yeares, at the time of the making of ante such graunt or lease, then had his being or cõtinuãce, & the was not determined, finished, or expired: or within the time of one yere, as is aboue said hath made any lease or graunt for terme of life, or for terms of yres of any maners, messuages, landes, tenements, medowes, pastures, woods, personages appropriate, tythes, pentions, portiõs, churches, chappels, or other hereditaments, what soeuer they be

vpon

vpon the which leases & graūtes, the vsu-
al & olde rents & seruices, accustomed to be
yelden & reserued by the space of xx. yeares
next before the first day of this present par-
liament, is & be not thereupon reserued and
holde. Or if ame such gouernour or gouer-
nesse hath made ame bargaine or sale of his
woods, within one yere, as is afore limitred
which woods be yet growīg and standing,
that then al & euerie such lease, graunt, bar-
gaine & sale of wood or woods, shalbe vtter-
ly void and of none effect.

¶ And it is also enacted by authoritie a-
foresaid, that all feoffements, fines and re-
coueries, had, made, knowledged, or suffered,
by ame gouernour or gouernesse, without
the kings licēce, vnder his great seal, with-
in one yere next before the dissoluciō, renoū-
cing, relinquishing, forfaiting, giuing vp, or
comming vnto the kings highnesse, of his
said monasterie, abbathie, prioric, nūrie, col-
ledge, hospitall, house of friers, or other reli-
gious or ecclesiasticall house or place, or a-
nie maners, meases, landes, tenementes, or
other hereditamentes, whatsoeuer they bee,
which the saide late abbot, priour, abbesse,
prioresse, and other ecclesiastical gouernour,
and gouernesse, or any of thē, or any of their
predecessors had or helde, of the gift, graunt
or confirmation of our said soueraigne lord
or ame of his highnes progenitours, or of
the which monasteries, abbathies, priories,
nunries, colledges, hospitalles, houses of
friers,

friers, or other religious or ecclesiasticall houses or places, our said soueraigne lorde was founder or patron, of which maners, mesues, lands, tenemēts, or other hereditaments were of the auncient or olde foundatiō or possessiō of the said late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious or ecclesiastical houses or places, shalbe vtterly voide & of none effect.

¶ And it is further enacted by the authoritie aboue said, that if any abbot, priour, abbesse, prioresse, or other ecclesiastical gouernor or gouernesse, of any monasterie, abbathie, priorie, nūry, colledge, hospital, house of friers, or other religious or ecclesiasticall house or place, which hereafter shall happen to be dissolued, suppressed, renounced, relinquished, forfaited, geuen vp, or come to the kinges highnes, within one yeare next before the first day of this present parliament, haue made, or hereafter do make, anie lease or graunt, vnder his couent or commō seale, or otherwise for terme of yeres, or life or liues, of the site, circuit & precinct of his said monasterie, abbathie, priory, nunrie, colledge, hospital, house of friers, or other religious or ecclesiastical house or place, or of anie part thereof or any maners, mesuages, lands, tenements, personages appropriate, tithes, pentions, portions or hereditaments belonging or appertaining to his saide monasterie,

nastcrie, abbathie, priorie, nunrie, colledge, hospital, house of friers, or other religious or ecclesiasticall house or place, which mannours, meases, graūges, lands, tenements, personages appropriate, tithes, pentiōz, porcions and other hereditamēts whatsoeuer they be, were not before the same lease, cōmōly vsed to be set nor let to fermē, but kept & reserued in the manurāce, tillage or occupation of the said gouernor or gouernes, for the maintenance of hospitalitie & good house keping, or moūe be in ye manurance, tillage or occupatiō of ye said gouernour or gouernelle for the maintenance of hospitalitie & good house keping: or within one yere, next before ye first day of this present parliament, hath made, or hereafter shall make anie lease or graunt for terme of life, or for terme of yeres of anie maners, meases, landes, tenementes, medowes, pastures, woods, personages appropriate, tithes, pentions, porciōs, churches, chappels, or other hereditamēts whatsoeuer they be. whereof & in the which anie estate or interest for terme of life, yere or yeres at the time of the making of anie suche graunt or lease, then had his being or continuance, or ye was not determined, finished or expired, or at the time of anie such lease to be made, shal not be determined, finished or expired, or within one yeare next before ye first day of this plent parliamt hath made

made or hereafter shall make any lease or graunt for terme of life, or for terñ of yeres of any maners, mesuages, lands, tenemẽts, medowes, pastures, woods, personages appropriate, tithes, pensiõs, portiõs, churches, chappels or other hereditamẽts whatsoeuer they be, vpon the which leases and grauntes the vsuall and olde rents & fermes, accustomed to be yelden & reserued, by the space of xx. yeres, next before ỹ said first day of this present parliament, is or be not, or hereafter shal not be thereupon reserued & yeldẽ: Or of any such gouernour or gouernesse, of any such monasterie, abbathie, priorie, nunrie, colledge, hospitall, house of friers, or other religious or ecclesiastical house or place, which hereafter shal happen to be dissolued, suppressed, renounced, relinquished, forfayted, geuen vp or come to the kings highnes, within one yere next before the first day of this present parliament hath made, or hereafter shal make any bargaine or sale of his woods which woods be yet growing and standing, that then all & euery such lease, graunt, bargaine & sale of wood or woods, shall bee vtterly voide & of none effect.

¶ And it is also enacted by thauthoritie aforesaide that all feoffementes, fines & recoueries had, made, knowledged or suffered, within one yere next before the first day of this present parliamẽt or hereafter to be had made, knowledged or suffered by any gouernour or gouernesse of any monastery, abba-

thie

the priorie, nunry, colledge, hospitall, house of friers or other religious or ecclesiasticall house or place, which hereafter shall happen to bee dissolued, suppressed, renounced, relinquished, forfaited, geuen vp, or come to the kinges highnesse, without the kings licence vnder his great seale, of any manours, meases, lands, tenements, or other hereditamēts whatsoeuer they be, which the saide abbots, priours, abbesses, priorsses, and other ecclesiasticall gouernours and gouernesses, whiche hereafter shall happen to bee dissolued, suppressed, relinquished, forfaited, geuen vp or come vnto the kinges highnesse, as is aforesaid or any of them, or any of their predecessours, had or helde, or haue and holde of the gift, graunt or confirmatiō of our saide soueraigne lorde, or of any of his highnesse progenitours, or of the which monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious or ecclesiasticall houses and places, our saide soueraigne lorde is founder or patrone: or whiche manours, meases, landes, tenemēts, or other hereditamentes, were or bee of the auncient or olde foundation or possession of the said monasteries, abbathies, priories, mōnries, colledges, hospitals, houses of friers, or other religious or ecclesiasticall houses or places, shall bee vtterlye voyde and of none effect.

¶ Prouided alway, and be it enacted by authoritie aforesaide, that if any abbot, prior,

prior, abbes or priores, or other gouernor of gouernes aboue saide, within one yere next before the first day of this present parliamẽt, or if any late abbot, prior, abbesse, prioresse, or other late gouernor, or gouernes aboue-saide, within one yere next before any such dissolutiõ, suppꝛssiõ, renouncing, relinquishing, forfaiting, geuing vp, or cõming to the kings highnesse, of the premisses or of any parcell therof, as is aforsaid, haue made any demise, lease, or graunt, to any person or psõs, for terme of yeres, of any manors, mcases, lãds, tenementes, personages appꝛopꝛiat, tithes, pencions, portions, or other hereditamentes aforesaide, which person or psõs at the time of the saide demise, lease or graũt, had, & held the same to ferme for terme of yeres thẽ not expired, & then the said person or persons to whom anie such demise, lease or graũt hath ben so made, shal haue & hold ỹ sãe for ỹ terme of xxj. yeres only, frõ the time of the making of the said demise, lease or graũt, if so many yeres be by the same demise, lease or graunt specified, limitted, & expꝛessed, or els for so manie yeres as in such demise, lease or grãt ben expꝛessed, so ỹ the old rent be therupon reserued, & so ỹ the same lease or leases exceede not xxj. yeres, this act or any thig therin contained to the cõtrary notwithstanding. ¶ See Plod Cõ. fo. 106. & after Fulmerston & stewardes case.

¶ Prouided also, & be it enacted by thauthoritie aboue saide, ỹ if any abbot, prior, abbesse, prioresse or other late gouernor or gouernes,

mentes, within one yere next before any such dissolution, suppression, renouncing, relinquishing, forfaiting, grauing vp, or cōming vnto the kinges highnes, of the premisses, or of any parcell therof, as is aforsaid, haue made any demise, lease, or graūt, to any person, or persons, for terme of life or liues, of any mannours, messes, lands, tenementes, parsonages appropriate, tithes, pensions, portions, or other hereditamentes aforesaid, which person or psons, or any of thē, at the time of the saide demise, lease or graūt, had & held the same for terme of life or liues, or for terme of yeres thē not expired: ỳ thē the said pson or psons, to whō any such lease or graūt hath bene so made, shal haue & hold the same for terme of their life or liues, so that the olde rēt be therupō reserued. This act or any other thing therin contained, to the contrary therof notwithstanding.

¶ Prouided also, & be it enacted by the authoritie aforesaid, that al & singuler leases & graūts made by copie, to any persō or persons, of any of the saide messuages, landes, tenēmts, parsonages appropriate, tithes, pēcions, portiōs or other hereditamēts aforsaid, for terme of life or liues, which by the custome of the countrey hath bene vsed to be demised letted or graūted by copie of court rolle, shal be good & effectuall in the law, so that the old rēt be reserued by & vpō euery such lease & leases: this acte or any thing therin cōteined to ỳ cōtrary in any wise notwithstāding.

¶ Pro-

¶ Prouided alway & be it further enacted by thauctoritie aforesaid, that all leases heretofore made, of anie ỹ pmisses, by auctoritie of our soueraign lord ỹ kings court of augmẽtatiõz, of ỹ reuenues of his crown & al such leases, feoffements & wood sales, made by the said gouernours & gouernelles or anie of thẽ, vnder their couent seales, or vnder ỹ couent or cõmon seale of any of thẽ. Wm one yere next before ỹ dissolution, suppression, renoncing, relinquishing, forfaiting, geuing vp or cõming to ỹ kinges highnes, of the said monasteries, abbathies, pries, nunries, colledges, hospitals, houses of friers or other religious or ecclesiastical houses or places, which said leases, graunts, feoffements & wood sales, haue bẽ examined, enrolled, decreed or affirmed, in our sayde soueraigne lord the kings court of augmentatiõs, & the decree of the same put in writing, sealed wt the seale of the said court of augmẽtations, shalbe good & effectual according to ỹ same decree; any clause or act, heretofore in this plent act to ỹ cõtrary not wtstãding.

¶ Prouided alway & be it also further enacted by ỹ auctoritie aboueaid, ỹ if any pson or psons, haue iustly & trnely, wout fraude or couin, paied or geuen any sume or sũmes of money to any the said late gouernours or gouernelles, for the bargaine & sale of anie woods, being & growing in or vpõ any maners, lands, tenements, or hereditamentes, which apperteined or belõged to ỹ said late

monasteries

monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious or ecclesiastical places, or vnto any of the which bargain & sale, by auctoritie of this act, is made void & of none effect, and by meane thereof, ỹ kings highnes may haue & take the commoditie and profite of suche woodes, so bargained and solde: that then the Chauncellour and other officers of our said soueraigne lorde the kinges court of Augmentations, or three of them, whereof the Chauncellour for the time being shal be one of our said soueraigne Lord the kings treasour, remaining in the Treasorie of the same court, shal satisfie & recompence euery suche persone and persones, such summe of money or other recompence, as the same Chauncellour and officers, or three of them, whereof the said Chauncellour shalbe one, shal thinke meete and conuenient. And if any other person or persones, shall happen to take profite and commoditie, by reason of auoiding of such woode sales by auctoritie of this acte, that then euery persone and persones which may or shal take such profite, shalbe ordered for satisfactiō to be made to the parties, that shall happen to bee greued by this acte, by the said Chauncellour and other the officers of the same courte.

Prouided also, and be it further enacted by thauctoritie aboue said, that all and euery persone and persones their heires and assignes, which sithen the saide xiij. day of Fe-

byuarie, by licence, pardone, confirmation, re-
leale, assent, or consent of our said soueraigne
Lord the king, vnder his greate seale hereto-
fore geuen had or made, or hereafter to bee
had or made, haue obtained or purchased, by
indenture, fine, scoffemēt, recouerie, or other-
wise, of ỹ said late abbotes, priors, abbesses,
prioresses, or other gouernors or gouernesses
of any such monasteries, abbathies, priories,
nunries colledges, hospitals, houses of friers,
or other religious & ecclesiasticall houses or
places, any monasteries, priories, colledges,
hospitals, manours, lāds, tenementes, medo-
wes, pastures, woodes, churches, chapels, p-
sonages, tithes, pensions, porcions, or other
hereditaments, shal haue & enioy ỹ same, ac-
cording to such scrittings and assurances, as
ben therof before the first day of this present
parliament, or hereafter shalbe had or made.

¶ Hauing to all & euery ꝑson & persons,
& bodies politike their heires & successours:
& to the heires & successours of euery of thē,
other thē ỹ said late abbots, abbesses, priors,
prioresses, & other gouernors & gouernesses
& their successours, & the successours of eue-
ry of them; and such as pretende to be found-
ders, patrons or donours of the said monas-
teries, abbathies, priories, nunries, colledges,
hospitales, and other religious & ecclesiasti-
call houses or places: or of any of them, or of
any manours, messuages, landes, tenements,
or other hereditamentes late belonging to
the same, or to any of them, and their heires.

successours,

successours, and the heires and successours of euery such founder, patrone or donour) all such right, title, interest, possession, rents, annuities, commodities, offices, fees, liueries and leasings, portions, pencions, corodies, synodes, priories and other profites, which they or any of them haue, ought or mought haue had, in or to any of the said monasteries, abbathies, priories, colledges, hospitals, manours, lands, tenements, rentes, seruices, reuersions, tithes, pensions, portions or other hereditamentes, at any time before any such purchase, indentures, fynes, feoffementes, recoueries, or other lawfull meane, betweene any suche parties, had or made, as is aboue saide, this acte or anye thing therein contayned to the contrary not withstanding.

¶ And where our saide soueraign Lord the fourth daye of Februarie, the saide xxxvj. yere of the raigne of our said soueraign lord hath obtained and purchased aswel by exchaunges as by gifte, bargaines, fines, feoffementes, recoueries, deedes inrolled, and otherwise of diuers and sundry persones, many and diuers honours, castelles, manoures, landes, tenementes, medowes, pasture, woodes, rentes, reuersions, seruices, and other hereditamentes, and hathe not onelye payde diuers and sundry greate summes of money for the same: but also hath geeuen and graunted for the same, vnto diuers and sundrye persones,

diuers and sundry manours, landes, tenementes, and hereditamentes, and other recompences, in and for full satisfaction of all such honours, castels, manours, landes, tenementes, rentes, reuersions, seruices, and other his hereditamentes, by his highnes obtained or had, as is aboue saide: Be it therfore enacted by the authoritie aboue saide, that our saide soueraigne Lord the king, his heires and successors, shall haue, holde, possede and enioy, al such honours, castels, manours, lands, tenementes, and other hereditamentes, as his highnes sith the said xiij. day of Februarie, the xxvij. yere aboue saide, hath obtayned and had by way of exchãge, bargaine, purchase, or other whatsoeuer meane or meanes, according to ꝑ true meaning & intente of his highnes bargain, exchãge or purchase, misrecital, misnaming, or nõ recital, or not naming of ꝑ said honours, castels, manours, landes, tenementz, and other hereditamentes, comprised, or mẽtioned in the bargaines or writings, made betweene the kinges highnes and any other partie or parties, or of the townes or counties, where the saide honours, castels, manours, landes, tenements, and herditamentes lye & bene, or any other matter or cause whatsoeuer it be in any wise notwithstanding.

¶ Sauing to all and euery person, and persons, and to their heires, bodies politike and corporate, and to their successours, and

to

to euery of them(other then such person & personnes, & their heires, and their wiues, and the wiues of euery of them, bodies politike and corporate, and their successours and euery of the, of whom the kinges highnes hath obtayned, by exchange, gifte, bargaine, fine, feoffement, recouerie, deede enrolled or otherwise, any such honours, castels, manours, landes, tenements, and other hereditamentes, as is aforesaid) all such right, title, vse, interest, possession, rentes, charges, fruities, commodities, fees, and other profites, (rentes seruices, and rents seckes only except,) which they or any of them haue, might or ought to haue had, in or to the premisses so obtained and had, or in or to anye parcell therof, if this acte had neuer bene had nor made, this present acte or any thyng therin contained to the contrary notwithstanding.

¶ And where it hath pleased the kinges highnes of his most abondant grace & goodnes, aswell vpon diuers and sundry cõsiderations his maiestie specially moving, as also otherwise to haue bargained, sold, chaūged, or geuen and graunted by his graces seuerall letters patentes, indentures, or other writinges, aswel vnder his highnes greate seale, as vnder the seale of his highnes Duchie of Lancaster, and the seale of the office of the augmentations of his crowne, vnto diuers and sundrie of his louing and obedient subiectes, diuers and sundry honoures,

castles, manours, monasteries, abbathies, priories, landes, tenements, rentes, reuersions, seruices, personages appropriated, aduowsons, liberties, tithes, oblations, pensions, pencions, fraunchises, priuiledges, liberties, and other hereditaments, commodityes and profites, in fee simple, fee taile, for terme of life, or for terme of yeres. For auoiding of which said letters patentes, and of the contents of the same, diuers sundrye and many ambiguities, doutes, and questions, might hereafter arise, be moued, & stirred, aswell for misrecitall or nonrecitall, as for diuers other matters, thinges, or causes to be alledged, obiected, or inuented against the said letters patentes, as also for lacke of finding of offices or inquisitions, whereby the title of his highnes therin ought to haue bene found, before the makinge of the same letters patents, or for misrecytal, or non recitall of leases, aswel of recordes as not of recordes, or for lacke of the certaintie of the values, or by reason of misnaming of the honours, castels, manours, monasteries, abbathies, priories, landes, tenements, and other hereditamentes, comprised and mentioned within the same letters patentes, or of the townes and countries, where the same honours, castelles, manours, monasteries, abbathies, priories, landes, tenements, rentes, and other hereditamentes, lien and bene as for diuers and sundry other suggestions and surmises, which hereafter might hap-

pen

pen to be moued, surmised, and procured, against the same letters patentes, all bee it the wordes in effect contained in the saide letters patentes bee according to the true intent and meaning of his most roiall maiestie:

¶ Be it therefore enacted by the authoritie of this present parliament, that as well all and euerie the saide letters patentes, indentures, or other writinges, and euerie of them, vnder the seale or seales aboue sayde or anie of them, made or graunted by the kings highnes, sithen the saide fourth daye of Februarie, the said xxix. yere of his most noble raigne, as all and singuler other his graces letters patents, indentures or other writinges to be had, made or graunted to anie persone or persones within the yere next after the making of this present acte, of anie honours, castelles, manours, monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or of other religious or ecclesiastical houses or places, sites, circuites, precinctes, landes, tenements, personages, tithes, pensions, portions, aduowsons, nominations, & all other hereditamentes, and possessions, of what kinde, nature, or qualitie soeuer they bee, or by what soeuer name or names they or any of them be named, known or reputed, shall stande and be good, effectuall, and available in the lawe of this Realme to all respectes, purposes, constructions, & intentes,

&c. iiij. against

againſt his maieſtie, his heires and ſucceſſours, without anie other licence, diſpenſation or tollerance, of the kings highnes his heires and ſucceſſours, or of anie other perſon or perſones whatſoeuer they be; for anie thing or thinges contained or hereafter to be contained in anie ſuch letters patents, indentures or other writings: anie cauſe, conſideration, or thing material to the contrary in anie wiſe notwithſtanding.

¶ Sauing to all and ſinguler perſons, bodies politique & corporate, their heires and ſucceſſours, and the heires and ſucceſſours of euery of them (other thē his highnes his heires and ſucceſſours, and the ſaide gouernours and gouerneſſes & their ſucceſſours, donours, founders, and patron aforenamed and their heires and ſucceſſours, & all other perſons claiming in their rights or to their vſe, or in the right or to the vſe of anie of them) all ſuch right, title, claime, intereſt, poſſeſſion, reuerſion, remainder, offices, annuities, rent charges, and cōmons, which they or anie of them haue, ought or might haue had, in or to anie of the ſaid honors, caſtels, maiours, monaſteries, abbaies, priories, landes, tenements, & other hereditaments, in the ſaid letters patents made, or hereafter to be made, comprized at anie time before the making of the ſaid or ſuch letters patentes. This act or anie thing therein contained to the contrary notwithſtanding.

¶ And where diuers and ſundry abbots, priors,

priors, abbesses, prioresses, and other eccle-
siastical gouernours, and gouernesses of the
saide late monasteries, abbathies, priories,
nunries, colledges, hospitals, houses of fri-
ers and other religious and ecclesiasticall
houses and places, haue had, possessed & en-
ioyed diuers and sundry psonages appro-
priated, tithes, pensions, and portions, and
also were acquited and discharged of & for
the paiment or paimentes of tithes to be
paide out of for their said monasteries, ab-
bathies, priories, nunries, colledges, hospi-
tals, houses of friers, and other religious &
ecclesiastical houses and places, manours,
messuages, landes, tenements, and hereditа-
mentes: Be it therefore enacted by the au-
thoritie aboue said, that all wel the king our
soueraigne lord, his heires & successours, as
al & euery such pson & psons their heires &
assignes which haue or hereafter shall haue
any monasteries, abbathies, priories, nunries
colleges, hospitals, houses of friers, or other
ecclesiastical houses, or places, sites, circui-
tes & precinctes of the same, or of any of them, or
any manores, messuages, personages appro-
priate, tithes, pensions, portiõs, or other he-
reditaments whatsoeuer they be, which be-
longed or appertained, or which now belõg
or appertaine vnto the said monasteries, ab-
bathies, priories, nunries, colledges, hospy-
tals, houses of friers, or other religious and
ecclesiasticall houses or places, or vnto any
of them, shall haue, holde, retein, kepe, and
enioy

enioy, as well the said personages, appropriate, riches, pencions, and portions of the said monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, & other religious and ecclesiastical houses and places, sites, circuites, precincts, maners, meases, landes, tenementes and other hereditamentes, what so euer they bee, and euery of them, according to their estate and titles, discharged and acquited of payment of tythes, as freelie and in as large and ample maner, as the saide late abbottes, priours, abbesses, priores, and other ecclesiastical gouernours and gouerneresses, or any of them had, held, occupied, possessed, vsed, reteined, or enioyed the same, or anie parcell thereof, at the daies of their dissolution, suppression, renouncing, relinquishing, forfaiting, gruing vp or comming to the kinges highnesse, of such monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious or ecclesiasticall houses or places, or at the day of the dissolution, suppressiō, renouncing, relinquishing, gruing vp or comming to the kinges highnesse of anie of them, this acte or anie thing therein contained to the contrary notwithstanding,

¶ Anno 32. H. 8. ca. 7.

¶ Sauing to the kinges highnes his heirs and successours, all and all manner of rents, seruices, and other duties, what so euer they bee, as if this acte had neuer bene had nor made.

¶ And

¶ And be it further enacted by authority of this present parliament, that such of the saide late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of freers, and other religious and ecclesiasticall houses and places, and al churches & chappels, to them or ane of them belonginge, which before the dissolution, suppression, renouncing, relinquishing, forfaiting, geuing vp or comming vnto the kinges highnesse, were exempted from the visitation or visitations, and all other iurisdiction of the ordinarie or ordinaries, within whose diocesse they were situate or set, shall frō hēcefoorth bee within the iurisdiction and visitation of the ordinary or ordinaries within whose diocesse they or any of thē be situate and set, or within the iurisdiction and visitation of such person or persons, as by the kinges highnes shal be limitted or appointed: this act or anie other exemption, liberte or iurisdiction to the contrary notwithstanding &c. ¶ A Confirmation of the duke of Northfolke his purchase of Sixten monasterie, and of the lord Cobhams purchase of Cobham chauntrie.

¶ An act how by the kinges graunt, landes, tenements &c. may be by will, testament or otherwise disposed, & concerning warde, and Primer seisons. 32. H. 8. Cap. 1. Willes. 2.

WHere ỹ kings most royal maiesty, in al ỹ time of his most gracious & noble raigne, hath euer ben mercifull, louing & beneuolēt, & most gracious souereigne Lord vnto all & singuler his louing and obedient subiects, and by manie times past, hath not onely shewed & imparted to them generallie, by his manie and often great and beneficial pardons heretofore by authorities of his parliamentes graunted, but also by diuers other waies & meanes manie great & ample graunces and benignities, in such wise as al his said subiects, bene most bounden, to the vttermost of all their powers and graces by them receyued of God, to render & geue vnto his maiestie their moste humble reuerence and obedient thankes and seruices, with their daylie and continual prayer to almightie God, for the continual preseruation of his moste royall estate, in most kingly honour & prosperitie: yet alwaies his maiestie being replete & endowed by God, with grace, goodnes, and liberalitie, most tenderly considering that his

laide

laude obedient and louing subiectes, can not
ble or exercise them selues, according to their
estates, degrees, faculties, and qualities, or
to beare the selues in such wise as that they
may conuenientlie keepe and maintaine their
hospitalities and families, nor the good edu-
cations and bringing vp of their lawful ge-
nerations, whiche in this Realme laude be
to God, is in all partes very great and abū-
dante, but that in maner of necessitie, as by
daily experience is manifested and knowen,
they shall not be able of their proper goodes
cattels and other mouable substance, to dis-
charge their debts, and after their degrees
set forth and aduance their children & poste-
rities. Wherefore our saide soueraigne lorde
most vertuously considering the mortalitie
that is to euery person, at Gods will & plea-
sure, most common and vncertaine, of his
most blessed disposition and liberalitie, being
willing to relieue and helpe his layde sub-
iects, in their said necessities and debilitie, is
contented and pleased, that it be ordeined, &
enacted by auctoritie of this present par-
liament, in maner & fourme as hereafter fo-
loweth, that is to saye, that all and euerye
persone and persones, hauing, or whiche
hereafter shall haue, anye manours, landes,
tenementes, or hereditamentes, holden in
socage, or of the nature of socage tenure, and
not hauing any manours, landes, tenemen-
tes, or hereditamentes, holden of the kynge
our soueraigne Lord by knightes seruice, or

by

by ſocage tenure in chiefe, or of the nature of ſocage tenure in chiefe, nor of any other perſone or perſones by knightes ſeruice, from the xx. day of July in the yeare of our Lorde God M. v. C. & xl. ſhall haue full and free libertie, power, and authoritie, to geue diſpoſe, will, and deuiſe, as well by his laſt will and teſtament in writing, or otherwiſe, by anye acte or actes, lawfully executed in his life, all his ſaide manours, landes, tenementes, or hereditamentes, or anye of them, at his free will and pleaſure, anye lawe, ſtatute, or other thing, heertofore had, made or vſed to the contrary notwithſtanding.

¶ And that all and euery perſone and perſons hauing manours, landes, tenements or hereditamentes, holden of the king our ſouereigne Lord his heires or ſucceſſours in ſocage, or of the nature of ſocage tenure in chiefe, and hauing any other manours, landes, tenementes, or hereditamentes holden of any other perſone or perſones, in ſocage, or of the nature of ſocage tenure, and not hauing anye manours, landes, tenementes, or hereditamentes holden of the king our ſouereigne Lord, by knightes ſeruice, nor of any other Lord or perſon by like ſeruice, from the xx. day of July, in the ſaid yeare of our Lorde God M. v. C. and forty, ſhall haue full and free libertie, power, and authoritie, to geue, will, diſpoſe, and deuiſe, as well by his laſte will or teſtament in writing, or otherwyſe, by anye acte or actes lawfullye executed in his

his life, all his saide manours, landes, tene-mentes, and hereditamentes, or any of them, at his free will and pleasure, any law, statute, custome or other thinge, heretofore had, made or vsed to the contrary notwithstanding Sauing alway and reserving to the kinge our soueraigne Lorde his heires and successours, all his right, title, and interest of primer seisen, and reliefes, and also all other rightes, and duetie, for tenure in socage, or of the nature of socage tenure in chiefe, as heretofore hath bene vsed and accustomed the same manours, landes, tenementes, or hereditamentes, to bee taken, had and sued out of and from the handes of his highnesse his heires and successours, by the person or persones, to whom anye suche manours, landes, tenementes, or hereditamentes, shall bee disposed, willed or deuysed in suche and like maner and fourme, as hath bene vsed by any heire or heires before the making of this estatute.

¶ And sauing and reserving also, rates for alienations, of suche manours, landes, tenementes, or hereditamentes, holden of the king our soueraigne Lorde, in socage or of the nature of socage tenure in chiefe, whereof there shall be any alteration of free holde or inheritaunce made by will or otherwise as is aforesaide.

¶ And it is further enacted by auctoritie aforesaide, that all and singuler persons and persounes, hauing anye manours, landes,

landes, tenementes, or hereditamentes of estate of inheritaunce, holden of the kynges highnesse in chiefe by knightes seruice, or of the nature of knightes seruice in chief from the sayde twenty day of July, shal haue full power & authoritie by his last will by writing, or otherwise by any acte or actes lawfully executed in his life, to geue, dispose, will or assigne, two partes of the same manours, landes, tenementes, or hereditamentes, in three partes to bee deuided, or els as much of the saide manours, landes, tenementes, or hereditamentes, as shall extende or amounte to the yerely value of two partes of ỹ same in three partes to bee deuided in certaintie, and by special diuisions, as it may be knowen in seueraltie, to and for the aduauncement of his wife, preferment of his children, and paimēt of his debts, or otherwise at his will and pleasure, any lawe, statute, custome or other thing, to the contrarie thereof notwithstanding. Sauing and reseruing to the king our soueraigne Lord, the custody, wardship and primer seasen, or any of them, as the case shall require, of as much of the same manors landes, tenements, or hereditaments, as shal amount and extend to the full and clere yerely value of the third part therof, without any diminution, doower, fraude, couin, charge or abridgement of any of the same third part or of the full profites thereof. Sauing also and reseruing to the king our soueraigne Lorde, all fines for alienations, of all such manours,

manours, landes, tenementes, and hereditamentes, holden of the king by knightes seruice in chiefe, so ferre of them maie be any alteration of the holde or inheritance, made by will or otherwise, as is aboue said.

And be it enacted by the authoritie aforesaid, that all and singuler persone & persones hauing manours, landes, tenementes or hereditamentes of estate of inheritance, holden of the king or chiefe by knightes seruice, & hauing other manours, landes, tenementes, or hereditamentes, holden of the king, or of any other person or persons by knightes seruice, or otherwise, euery such person & persones, from the said xx. day of July shall haue full power & authoritie to geue, dispose, will or assigne, by his last will in writing, or otherwise by any act or acte lawfully executed in his life, two partes of the same maisoures, landes, tenementes or hereditamentes, in case percell to bee deuided, or els as much of the same manours, landes, tenementes & hereditamentes, as shall extend by iuiour to the yerely value of two partes of y same, in two partes to be deuided in certainty, & by speciall diuisions, as it may be knowen in seuerall, to and for the aduancement of his wife, & children of his children, & paiement of his debtes, or otherwise at his will and pleasure, any lawe, statute, custome or other thing to the contrary thereof notwithstanding. Hauing alwaie and reseruing to the king our soueraigne lorde, y custody, ward-

ship, and other season, or any of them, as the case shal require, of as much of the same manours, landes, tenements, or other hereditamentes, as shall amount & extend to the full and cleare yerely value of the third part therof, without any maner diminution, dower, fraude, couin, charge, or subtraction of the same third part, or of the full profits therof. Saving alway and reserving to our said soueraigne lord the king, all fines for alienation, of any such manours, lands, tenementes, or herreditamentes, holde of the king by knightes seruice in chiefe, wherof there shall be anye alteration of freehold or inheritance, made by will or otherwise, as is aboue said.

¶ Be it further enacted by the authoritie aboue said: that if any person or persons holde manours, landes, tenementes or hereditamentes onely of any other lorde or persone, then of the kinge our sayde soueraigne lorde by knightes seruice, and other landes and tenemēts in socage, or of the nature of socage tenure, that then euery suche persone, shall or may geue, dispose, or assure by his lathe, will or otherwise, by anye act or actes lawefully executed in his life, two partes of the saide mannours, landes, and tenementes, holden by knightes seruice, or of as muche therof, as shall amount to the full yearely value of two partes, in maner and fourme as is aboue declared: And also all the landes and tenements holden by socage, or of the nature of socage tenure, as

his

his will and pleasure as is aboue written, hauing and reseruing to the lorde of the landes and tenementes holden by knights seruice, for his custodie and wardshippe, as much of the same lands and tenements, as shall extend or amount to the full and clere yerely value of the thirde parte of the same landes and tenementes holden by knightes seruice, without any diminution, dower, fraud, couin, charge, or subtraction of any portion of that third part, or of ꝑ tiers yerely value thereof, in maner and fourme aforesaid.

¶ And be it further enacted by the authoritie aboue said, that if any person or persons holde anie manners, landes, tenementes or hereditaments onely of the king our soueraigne lorde by knightes seruice and not in chiefe, or holde anie manours, landes, tenementes or hereditamentes of our said soueraigne lorde by knightes seruice, and not in chiefe, and also holde other maners, landes, tenements and other hereditaments of anie other person or persons by knightes seruice, and also holde other maners, landes, tenements or hereditamentes of anie other person or ꝑsons in socage, or of the nature of socage tenure, ꝑ then al ꝑ euery such ꝑson ꝑsons, shall ꝑ may grete, dispose, will, deuise, ꝑ alliue, by his last will or otherwise, by any act or acts lawfully done ꝑ executed in his life, such parts of the same maners, lands tenements ꝑ hereditaments, holden of our sayde soueraigne lorde the king by knightes

ſeruice, & two parts of the maners, landes, tenementes and hereditamētes, holden of any other perſon or perſons by knightes ſeruice, or as much of either of them as ſhal amount to the full yerely value of two parts in maner and fourme as is aboue declared: & alſo of all his landes and tenementes ſo holden in ſocage, or of the nature of ſocage tenure at his free will and pleaſure, Sauing & reſeruing to the kings highnes, the cuſtodie and wardſhip of as much of the ſame manours, landes, tenementes, or other hereditamentes, as ſhall extende and amount to the full and clere yerely value, of the thirde part of the ſaide maners, landes, tenementes, and hereditamētes ſo holdē of his highnes by knightes ſeruice, without anie diminution, deſper, fraude, couin, charge, and ſubtraction of anie portion of that third part, or of the ful profites thereof. And alſo ſauing and reſeruing to the lordes of whom anie of the ſaid maners, landes, tenementes or other hereditamentes, ben holden by knightes ſeruice, for cuſtody and wardſhip, as much of the ſame maners, landes, tenementes or hereditamentes holden of them or anie of them, by knightes ſeruice, as ſhall extende & amount to the full and clere yearely value, of the thirds part of the ſame, without anie diminution, charge, fraude, couin, or ſubtraction of any portion of that thirde, or of the clere yerely value of the third part therof, in maner and fourme aboue declared.

Prouiſ-

Prouided alway, & it is further enacted by the auctoritie aforesaide, that if that third part of the maners, lands, tenementes or hereditaments, of anie of the kings subiectes, which in anie of the cases aboue saide, shall hereafter come to the kings highnesse, his heires or successours, by vertue of this act, as is aboue said, be not, or do not, amount to the cleare yerely value of the third part, of all the said maners, lands, tenements, or other hereditamts, wherof the kings highnesse, his or shalbe intitled to haue the custody or primer seisin, as is aforesaid: that the one said soueraigne lord & his heires shall & may at his or their free liberty and pleasure take into his or their hands & possession, as much of the other two partz of the said maners, landes, tenementes, and other hereditamentz, as with that of the same maners, landes, tenemenes or hereditamentz holden, remaining in ỹ kinges hands, shal make vp the clere yerely valu of the full third part of the saide manours, landz and tenements so to be had to the kinges highnes in title of wardship & primer seisin, or any of the, as the case shall require, and like benefite & aduantage to be geuen to euery lord & lordes, of whom any such maners, lands, tenemts or hereditamentes, bee or shalbe holden by knightes seruice as is aboue said, concerning his his third part, or for title of wardship

Prouided alway, & be it further enacted by the auctoritie aforesaid, that euery lord

and ꝑsons shall sue their liueries, for pos-
sessions, reuersions, or remainders, & also pay
fealtie & heriot, after such maner & fourme
as they should or ought to haue done, before
the making of this act & as if this acte had
neuer bē made. And ẏ fines for alienations
shalbe paid in ẏ kings chācery, for and vpō
Writs of entre in ẏ posk, to be obteined in ẏ
same court of chācery, after ẏ said xx. day of
July, for cōmon recouueries to be had or suf-
fered of any manours, landes, tenements or
hereditamēts holden of the king in chiefe in
like maner & forme as is vsed vpon alien-
tions of such manors, landes, tenements or
hereditaments, so holden in chiefe, by fine or
feoffement.

¶ Prouided also, & be it enacted by ẏ auc-
thority aforesaid, ẏ in such cases, where fines
for alienations shalbe paid in ẏ kings Chā-
cery for writs of Entre in the posk, as is a-
foresaide, that then none other fine shalbe
paid in the same court for any suche writs:
any vsage or custome to the cōtrary thereof
notwithstanding.

¶ And bee it further enacted by the auc-
thoritie aforesaid, that where two or more
psons now hold or hereafter shal hold any
maners, landes, tenements or hereditamēts
of the king our soueraigne lord by knights
seruice, iointly to them, & to the heirs of one
of them, & he that hath the inheritance ther-
of dieth, his heire being vnder age, ẏ in euerie
such case, the king shal haue the warde and

marage

mariage of ꝑ body of such heire so being wi=thin age, the life of ꝑ freholder, or freholders of the said manors, lands, tenemts or here=ditaments so holde by knights seruice not=withstanding. Sauing and reseruing to all and euery woma̅ & women, all & euery such right, title & interest of dower, as they or a=ny of them, owe to haue, or be, or shalbe, iust=ly limitted to haue, claime or demaund of a=ny manours, lands, tenemts or hereditam=ents by the lawes of this realme, to be tak̅ or assigned vnto them or any of them, out of the two parts of the said manours, lād̄s, te=nements or hereditam̄ts seuered & deuided from the third parte as is aboue saide, & not otherwise, And sauing also to the king our soueraigne lord, his heires & successors, the reuersions of all such tenants in ioint tenur̄ & dower, immediatly after the death of such tenants, if they shal happen to die during ꝑ minorite of the kings wardes.

¶ An acte for the limitation of pre=scription. 32. H. 8. Ca. 2.

¶ Limitation. 3.

FOrasmuch as the time of limita=tiō appointed for sheweing of writs of right, & other writs of possessiō & seasō of mens auncestors or pre=decessors, or of their owne possessiō or season, by ꝑ lawes & statutes of this realm heretofore

made, limited and appointed by. 32. H. 8. ca. 8. xv. 1. ca. 39. xv. 2. ca. 2. & cap. 46. ¶ Wherfore & be of so large and long time past, that it is a bone the remembrance of any liuing man, truely to trie & know the perfect certaintye of such thinges as hath or shal come in triall, or doe extende vnto the time and times limited by the said lawes & statutes, to the great dāgers of mens consciences, that haue or shall be empanelled in any Iury for the triall of the same: and also it is a great occasion of much trouble, vexation, and suites to the kinges louing subiectes, at the common lawes of this realme, so y no mā although he and his auncestors, & those whose estate he or they haue, haue bene in peaceable possessiō of a lōg season, of & in lāds, tenemēts & other hereditamēts, is or cā be in any suertye, quietnes or rest, of & in the same, vnlesse a good remedy and reformation be had, made and prouided for the same: Be it therfore enacted by the king our soueraign lord, the lords spirituall and temporall, and the commons in this present parliamēt assembled, and by the authoritie of the same, that no maner of person or persons, shall from henceforth lie, haue or maintaine any writ of right, or make any prescription, title, or claime, to or for any manoures, landes, tenementes, rentes, annuities, commons, pencions, portions, tythes, or other hereditamentes, of the possession of his or their auncestour or predecessour, & declare and allege

any

any further seyson or possessiō of his or their auncestour or predecessour, but only of the seyson or possession of his auncestour or predecessor which hath been, or now is, or shalbe seysed of the said manours, lāds, tenementz rents, annuities, cōmons, pcions, pcacōs, corrodies, or other hereditamentes, within thyrtie yeres next before the tesle of the same writ, or next before the said prescriptiō, title, or claume so hereafter to be sued, commenced, brought, made, or had.

¶ And be it further enacted by the authoritie aforesaide, that no manner of person nor persons, shal hereafter sue, haue, or maintayne any assise of mortdauncestor, cosinage, ayell, writ of entry upon disseason done to any of his auncestors or predecessors or any other action possessary, upon the possession of any of his auncestors, or predecessours, for any manors, lands, tenemēts or other hereditaments, of any further seasō or possession of his or their auncestour or predecessour, but only of the seasō or possession of his or their auncestor or predecessour, which was, or hereafter shalbe seased of the same manors, lands, tenements, or other hereditamēts, within fifty yeres next before the tesle of ꝑ original of ꝑ same writ hereafter to be brought.

¶ And be it further enacted, by ꝑ authoritie aforesaide, that no person nor persons, shal hereafter sue, haue or maintene any action, for any manors, lāds, tenemēts or other

heredi-

hereditaments, of or vpon his or their owne
seasen or possessiō therin, aboue thirty yeres
next before the teste of ỹ original of ỹ same
writ hereafter to be brought.

¶ And be it also enacted by the authoritie
aforsaid, that no person nor psons shal here-
after make any auowrie or cognisance, for
any rent, suite or seruice, & alledge any seasō
of any rent, suit or seruice in the same auow-
ry or cognisance, in the possession of his or
their auncestours or predecessour, or prede-
cessours, or in his owne possessiō, or in ỹ pos-
session of any other, whose estate he shall pre-
tend or claime to haue, aboue forty yeares
next before the making of the said auowrye
or cognisance.

¶ And ouer that, be it enacted by the auc-
thoritie aforsaid, that all forfidones in reuer-
ter, forme dones in remainder, & scire facias,
vpon fines of any manors, landes, tenemēts,
or other hereditamēts, at any time hereafter
to be sued, shalbe sued and taken within fif-
ty yeres next after the title & cause of actiō
fallen, & at no time after the said fifty yeres
passed.

¶ And be it also enacted by authority a-
foresaide, that if any personne or persons at
any time hereafter, doe sue any of the saide
actions or writs, for any manours, landes,
tenements, or other hereditaments, or make
any auowry, cognisance, prescriptiō, title or
claime, of or for any rent, suite, seruice, or
other hereditamentes, & cannot proue that

he

he or they, or his or their auncestors or predecessours, were in actuall possessiō or realō of & in the same manors, landes, tenements, rents, suites, seruices, annuities, commons, pentions, portions, corodies, or other hereditaments, at any time or times within the yeres before limitted & appointed in this pſent acte, & in maner and forme as is aforesaide, if the same be trauersed or denied by ỹ pty plaintife, demādāt or auowāt, or by the pty tenant or defendāt, ỹ then & after suche tryal therein had, al & euery such pſon & pſons, & their heirs, shal from henceforth be vtterly barred for euer, of all and euerie the said writs, actions, auowries, contisance, pſcriptiō, title and claime hereafter to be sued, had or made of and for the same manours, landes, tenements, hereditaments, or other the pmisses, or any part of the same for the which the same action, writ, auowrie, contisance, prescription, title, or claime, hereafter shalbe, at anie time had sued or made. &c.

Certain puisiōs for those & their heirs who had actiōs &c. depēding or were then within age, couert barō, in prison or out of ỹ realm.

Prouided furthermore, ỹ if any false verdict happen hereafter to be geeuen or made in any of the said actions, suites, auowries, preſcriptions, titles or claimes, that then the party greeued by realō of the same, shal and may haue his attaint vpon euerie such verdict so geuen or made, and the plaintife in the same attaint vpon iudgement for him geeuen, shall haue his recouerie, execution

and

and other aduauntage in like maner & forme as heretofore hath ben vsed & accustomed, any thing before in this acte conteined to the contrary notwithstanding.

¶ An acte for contentation of debts Vpon executions. Anno 32. H. 8. ca. 5.

¶ Executions. 10.

Whereas before this time diuers & sundry psons, haue sued executiõs, as wel vpõ iudgemẽtz, for thẽ geuen of their dets or damagez as vpõ such statutes marchãtz, statutes of ye staple, or recognisancez, as haue bene to thẽ before made recognised, & knowledged, & therupon such landz, tenemẽts, and other hereditamẽtz, as were liable to the same executiõ, haue bẽ by reasonable extent to thẽ deliuered in execution for ye satisfaction of their said debtes, & damagez, according to the lawes of this realme. Neuertheles it hath ben oftentimes sene, ye such lãdes, tenemẽtz, & hereditamẽtz so deliuered & had in execution, haue bene recouered or lawfully demaded, taken away, or euicted from the possession of the sayd recouerers, obligees, or recognisees, their executors or assignes, before such time as they haue ben fully satisfied & paid of their dets, & damages, thorow any maner fraud, disceipt, coun-

couin, collusion, or other default in the saide recouerers, obligees or recognisees, their executours & assignes, by reason whereof ye said recouerers, obligees, & recognisees, haue ben thereby let directly without remedy, by any maner, lawe of the lande, to recouer or haue by any such part or parcel of their saide debtes & damages, as was behind, & not by them leuied or receiued, before such time as the saide landes, tenements & other hereditamentes, so by them had in execution, were recouered landes fully deuested, taken or euicted out of & from their possessiõs, as is aforesaid to their great hurt & losse, and much seeming to be against equall iustice and good conscience: For reformation whereof be it enacted by aucthoritie of this present parliament, that if hereafter any such landes, tenements or hereditamentes as be or shalbe had & deliuered to any person or persons in execution as is aforesaid, vpon any iust & lawfull title, matter, condition or cause, wherewithall the said landes, tenmẽts, & hereditaments were liable tied & bounde, at such time as they were deliuered & taken into execution, shall happen to be recouered, lawfully deuested, taken or euicted, out of, & frõ the possessiõ of any such persons & persõs as now haue & hold, or hereafter shal haue & hold the same in execution as is aforesayde, without any fraud, descript, couin, collusion or other default of the said tenant or tenants by execution before such time as ye said tenantes by execution their executors or assignes shall haue fully & wholy leuied or receiued ye said

whole

whole debt & damages, for ỹ which the said lands, tenemẽts & other hereditamẽts were deliuered & taken in execution, as is aforesaid; then euery such recouerer, obligee, & recognisee, shall & may haue & pursue a writ of scire facias out of ỹ same court, from whence the saide former writ of execution did proceede, against such p̃son or p̃sones, as the said writ of executiõ was first pursued, their heires executours, or assignes, of such lands, tenemẽts, or hereditaments, as were or ben then liable or charged to ỹ said execution, returnable vnto the same court, at a certaine day, being full forty daies after the date of ỹ same writ. At which daye if the defendant being lawfully warned, make default, or appeare, and do not shew and pleade a sufficient matter or cause, other then the acceptance of the said landes, tenements, & hereditamẽts by the said former writ of execuciõ, to barre, auoide or discharge the said suit for ỹ residue of the said debt, and damages, remaining vnleuied or vnreceiued by the said former execution: then the forde chauncellour, or other suche iustice or iustices, before whom suche writ of scire facias shalbe returnable, shall make ẽtr̃sones a newe writ or writes out of the said former record of iudgement, statut merchant, statute staple or recognisance, of like nature & effect, as the said former writ of execution was for the leuying of ỹ residue of all such debt & damage as then shal appeare to be vnleuied, vnsatisfied or vnpaid of the whole summe or summes in the said former writ of execution cõteined.

ferred. Any lawe, custome, or other thyng to the contrary hereof heretofore vsed in anywise notwithstanding.

¶ An acte for the true paiment of tythes and offrings. Anno. 32. H. 8. cap. 7.

¶ Tythes. 8.

WHere diuers and many persones inhabiting in sundry countes & places of this realme, & other the kinges dominions, not regarding their duetes to almighty God, & to the king our soueraigne lord, but in seuere yeres past more contemptuously & commōly presuming to offende & infringe the good & holsome lawes of this realme, & gratious cōmaundements of our sayde soueraigne lorde, then in times past hath ben seene or knowen, haue not letted to subtract & withdraw ȳ lawful & accustomed tithes of corns, hay, pasturages, other sort of tithes & oblatiōs cōmonly due to the owners proprietaries, & possessours of the personages, vicarages, & other ecclesiastical places, of and within ȳ said realme & dominions, being the more encouraged therto for ȳ that diuers of the kings subiects being lay psons, hauing personages, vicarages, & tithes to them & to their heirs, or to thē & to the heirs of their bodies lawfully begotten or for term of life or yeares, con not by the order and course of the ecclesiastical lawes of this realme, sue

in any ecclesiasticall court for the wrongfull withholding & detayning of the said tithes or other duties, nor can not by the order of the common lawes of this realme haue any due remedy against any person or persones their heires or assignes, that wrongfully detayneth or withholdeth the same, by occasion whereof much controuersie, suite, variance, and discorde is like to insurge and ensue among the kinges subiectes, to the great detriment, damage and decay of many of them if conuenient and spedy remedy therefore be not had and prouided.

Wherefore it is ordeined & enacted by the said soueraigne lord the king, with the assent of the lordes spirituall & temporall & the commons in this present parliament assembled & by authoritie of the same, that all and singuler persones of this his said realme, or other his dominions, of what estate, degree or condition soeuer he or they be, shall fully, truely & effectually deuide, set out, yelde or pay all & singuler tithes & offerings aforesaid, according to the lawfull customes & vsages of the parishes & places where such tithes or duties shal growe, arise, come, or be due. And in case it [sic] shall happen any person or persons of his or their vngodly & peruerse will and mind, to detrigne or withhold any of the said tithes or offrings or part of them or any of them, the parson, vicar, or other person being ecclesiasticall or lay person, hauing cause to demand or haue the said tithes or offrings, being thereby wronged or greeued,

shall

shal & may conuent the vpon or persons so offending before the ordinary, his Commissary or other competent minister, or lefull iudge of y place where such wrong shall be done, according to the ecclesiastical lawes. And in euerie such case of matter or sute, the same ordinary, commissarie or other competent minister or lefull iudge, hauing the parties or their lawfull procuratours before him or them, shall and may by vertue of this acte proceede to the examynation, hearing and determynation of euerie such cause or matter ordinarilie or summarily, according to the course and proces of the said ecclesiastical lawes, and thereupon may geue sentēce accordingly. And in case that anie of the parties for any cause or matter concerning that suit, do appeale from the sentence, order, and definytiue iudgement of the said ordinarie, or other competent Iudge, as is aforesaid: then the same Iudge by vertue of this acte forthwith vpon such appellation made, shall adiudge to the other partie the reasonable costes of his sute thereof before expended: shal compel the same party appellant to satisfie and pay the same costes so adiudged by compulsory processe and censures of the said lawes ecclesiastical taking surtie of the other party to whō such costs shalbe adiudged and paide, to restore the same costes to the partie appellant, if after the principall cause of that suit of appeale shalbe adiudged against the same partie to whom the said

tithes shalbe yelden. And so euery ordinary or other competent iudge ecclesiasticall, by vertue of this acte shal adiudge costs to the other partie vpon euery appeale to be made in any suite or cause of subtraction or detinction of any tithes or offerings, or in eny other suite to be made for or concerning the duety of such tithes or offerings.

¶ And further be it enacted by the authoritie aforesaide, that if anye person or persons after such sentence diffinitiue geuen against them, obstinately and wilfully refuse for to pay their tithes and duties, or such summes of money so adiudged wherein they be condemned for the same, that then two Iustices of the peace of the same shyre, whereof one to be of the Quorum, shal haue authoritie by this acte, vpon information, certificate, or complaint to them made in writinge by the saide ecclesiasticall Iudge that gaue the same sentence, to cause the same partie so refusinge, to be attached, and committed to the next gaole, and there to remaine without baile or mainprise, till he or they shall haue found sufficient sureties to be bounde by recognysance or otherwise before the same Iustices to the vse of our soueraign Lord the king, to performe the saide diffinitiue sentence and iudgement.

¶ Prouided alwayes and be it enacted by the authoritie aforesaide, that no person or persons shalbe sued or otherwise compelled

to

to yelde, geue or pay any maner of tythes, for any maner, landes, tenementes, or hereditamentes, whiche by lawes or statutes of this Realme are discharged, or not chargeable with the paiment of any suche tithes. Vide an. 31. H. 8. ca. 13. Monasteries 11. in fine.

Prouided also and be it enacted by auctoritie aforesaid, that this acte nor anye thing therin conteined, shall not any wise binde the inhabitantes of the Citie of London and Suburbes of the same, for to pay their tithes & offerings within the same citie & suburbes otherwise then they ought or should haue done before the making of this acte, any thing in this acte conteined to the contrary notwithstanding. And be it further enacted by auctoritie aforesaide, that in all cases where any person or persons, which now be or which hereafter shall haue any estate of inheritance freehold, terme, right, or interest, of in or to any personage, vicarage, portion, pension, tithes oblations, or other ecclesiasticall or spirituall promotion, which now be, or which hereafter shall be made temporall, or admitted to be annexed and go to be in temporall handes & layfees and profites by the lawe or statutes of this realme, shall hereafter fortune to be dissessed, deforced, wronged, or otherwise kepte or put from their lawfull inheritance estate, terme, possession, occupations, terme, right, or interest, of in or to the same, or of in or to any parcell therof by any other person or persones, claiming or pretending to

haue interest or title in or to the same, that then in all and euery suche case or cases the persone or persones so disseised, defeated or wrongfully kept or put from his or their right or possession, as is afore rehearsed, their heires, wiues, and such other, to whom such iniury |or| wrong shall be done or committed shall & may haue their remedie in the kings temporall courtes or other temporall courts as the case shal require, for the recouery getting or obtaining of such inheritaunce, estate freeholde, seison, possession, terme, rights, or interest, by writes original of Præcipe quod reddat, Assi. of nouel disseisyn, Mort daunc, Quod ei deforceat, writes of deceit, or other writes originall, as the case shall require; to be deuised and graunted in the kinges court of Chauncery, of euery such personage, vicarage, portion, pension, or other profite called ecclesiasticall or spirituall, so to bee demaunded according to the nature and cause of the suite thereof, in like maner and fourme as they should, ought, or might haue had, of or for landes, tenementes, or other hereditamentes, in suche maner to bee demaunded. And that writes of couenaunt and other writes for fines to be leuied, and all other assurances to bee had made or executed of any such personage, vicarage, portion, pension, or other profite called ecclesiastical or spirituall, as is aforesaide, shall bee hereafter deuised & graunted in the said Chauncery, according as hath bene vsed for fines, to be leuied, and

assurance

assurance to be had made or conueied of lands, tenements, or other hereditaments. And that all iudgements to be geuen vpon any of the sayde writes originall so to bee deuised or graunted of or for any the premisses or any of them: and all fines to bee leuied and knowledged in any of the kings said courts thereof shal be of like force and effect in the lawe, to all intentes and purposes, as iudgementes geuen and fines leuied of landes, tenementes, and hereditamentes in the saine courtes vppon writtes originall therefore duely pursued and prosecuted, albeit no such forme of writes originall out of the sayde courte of Chancery hath heretofore proceded or bene awarded.

¶ Prouided alwaies, that this laste acte shall not extende nor bee expounded, to geue anye remedye cause of action or suit in the courtes temporal against any person or persones, which shall refuse or denye to set out his or their tithes, or whiche shall detayne, withhold, or refuse, to paye his tythes, and offeringes, or any parcell thereof, but that in all such cases the person or partie being ecclesiasticall or lay persone, hauing cause to demaunde or to haue the sayde tithes, or offeringes, and thereby wronged or greeued, shall take and haue their remedye for theyr saide tithes and offeringes, in euery such cale in the spirituall courtes, according to the ordinance in the first part of this acte mencioned, and not otherwyse. Anye thynge

herein expressed to the contrary thereof notwithstanding.

¶ An acte against maintenance, embracery &c. and against vnlawfull buying of titles. An. 32. H. 8. Cap. 9.

¶ Maintenance.

THe King our soueraigne lord calling to his moste blessed remembrance, that there is nothing within this Realme that conserueth his louing subiectes in more quietnes, rest, peace and good concord; then the due and iust ministration of his lawes, and the true and vndifferent tryalls, of such titles and issues as bene to be tried, according to the lawes of this Realme, which his most Royal maiestie perceiueth to bee greatly hindered and letted by maintenance, imbracery, champerty, the subornation of fortnelles, simiter labour, buying of titles, and pretenced rightes, of persones not being in possession, wherevpon great perury hath ensued, so much that vnquietnes, oppression, veration, trouble, wrongages, and disenheritaunce hath followed among his most louing subiectes, to the great displeasure of almighty God, the discontentation of his maiestie, and to the great hinderaunce and les of Iustice within this his Realme: For the amending of which misdemeanours and buying of titles and pre-

tenced

tenced rightes, & to the intent that Iustice may be more fully and indifferently ministred, and the trueth in causes of contention plainelie tried, betweene his subiects of this Realme: Be it enacted by our said Soueraigne Lord, with the assent of the Lordes spirituall and temporall, and the commons in this present parliament assembled, and by authoritie of the same, that from henceforth all statutes heretofore made, concerninge maintenaunce, champertie, and embracerie, or anie of them, nowe standing and being in their full strength and force shalbe put in due execution, according to the tenours and effectes of the same statutes.

¶ And over that be it further enacted, by the authoritie aforesaide, that no person nor persons, of what estate, degree or condition soeuer he or they be, shall from henceforth bargain, buy or sell, or by any waies or meanes obtaine, get, or haue any pretended right or titles, or take, promise, graunt, or couenaunt, to haue any right or title, of any person or persons, in or to any maners, landes, tenementes, or hereditamentes, but if such person or psons, which shal so bargain, sell, giue, graunt, couenant, or promise the same, their antecessours or they by whom he or they claime the same haue bene in possession of the same, or of the reuersion or remainder thereof, or taken the rentes or profites thereof, by the space of one whole yere next before the sayde bargaine, couenaunt,

graunt, or promise made vppon peine that hee that shall make anie suche bargaine, sale, promise, couenant, or graunt, to forfayt the whole value of the landes, tenementes, or hereditamentes so bargained, sold, promised, couenaunted, or graunted, contraire to the forme of this act. And the buyer or taker thereof, knowing ỹ same to forfait also the value of the said landes, tenementes, or hereditamentes so by him boright, or taken, as is aboue saide. And thone halfe of the saide forfaitures to be to the king our soueraigne Lord, and the other halfe to the partie that will sue for the same, in anie of the kings courts of record, by action of debt, bil, plaint or information. In which actiõ, bill, plaint, or information no essoine, protection, wager of law, nor iniunction shall be allowed.

And furthermore, that no maner of person or persons, of what estate, degree, or condition soeuer he or they be, do hereafter vnlawfully maynteine, or take, or procure anie vnlawfull maynteynance, in any action, declaracõe, suite, or complaint, in anie of the kinges courtes of the Chauncery, the starre Chamber, White hall, or els where, within any of the kings dominions of England or Wales, or the marches of the same, where any persõ or persons haue, or hereafter shal haue auctoritie by vertue of the kings commission, patent, or writ, to hold plee of landes, or to examine, heare, or determine, anie title of landes, or anie matter or controuersies concer-

cōcerning the title, right, or interest of anie lands, tenements or hereditaments. And also that no person or persōs, of what estate, degree, or condition soeuer he or they be, do hereafter vnlawfully retein for maintenāce of anie suit or plee, anie person or persones or embrace any freeholders or inrroars, or suborne anie witnes by letters, rewardes, promises, or by anie other sinister labour or meanes, for to maintein any matter or cause or to the disturbance or hinderance of iustice or to the procuremēt or occasion of anie maner of periury by false verdict, or otherwise, in any maner of courts aforesaid, vpon pein of forfeiture of euery such offēce x.li. The one moity thereof vnto the king our soueraign Lord, and the other moity to him that will sue for the same by action of debt, bill, plaint or information, in anie the kinges courtes, in which action, no essoine, protection, Swager of lawe nor iniunction shalbe allowed.

Prouided alway, & be it enacted by the authoritie aforesaide, that it shalbe lawfull to any person or persons, being in lawfull possession by taking of the yerely ferme, rentes or profites of or for any maners, landes, tenementes, or hereditaments, to buy, obtaine, get or haue, by anie reasonable way or meanes the pretensed right, or title of anie other person or persōs, hereafter to be made to of or in such maners, landes, tenementes or hereditamentes, wherof he or they shal so bee in lawfull possession: anie thing in

this

this act contained to the contrary notwithstanding.

¶ And for the due execution of this present acte, be it further enacted by authority aboue sayde, that the Iustices of assise of euerie circuit within this realme & elswhere within the kings dominions, shal in euerie countie within their circuits, two times in the yere, that is to say, in ỹ time of their sittings for the taking of assises or deliuerie of the gaoles, cause open proclamation to bee made, aswel of this present acte, and of euerie thig therin contained, as also of al other statutes heretofore made against vnlawful maintenaunce, champerty, embracery, or vnlawful retenours, to thentent ỹ no maner of person or psons hearing the same should be ignoraunt or miscognisant of the daũgers and penalties therein contained and specified.

¶ Prouided alway, and be it enacted by the authoritie aforesaid, that this acte shall not extende to charge any person or persons with anie of the penalties mẽtioned in the said acte, for anie offence by him or thẽ committed, contrarie to the said acte, except the same person or persons so offending be sued thereof by action of debt, bil, plaint, or information in any of the kings courtes within one yere next after the same offence by him or them committed as is aforesaid.

¶ An

¶ An acte that lessees shall enioy their farmes, against tenants in taile, or in the right of their wiues, or churches, &c. An. 32. H. 8. Cap. 28.

¶ Leases.

BE it ordeined, established and enacted by the kyng our soueraigne lord, the lordes spirituall and temporall, and the comons in this present parliament assembled, and by auctoritie of the same, that all leases hereafter to be made of any manours, landes, tenementes, or other hereditamentes, by writing indented, vnder seale, for terme of yeres, or for terme of life, by any person or personas being of full age of one and twentie yeres, hauing any estate of inheritance eyther in fee simple, or in fee tayle, in their owne right, or in the right of their churches or spiritualtie, or iointly with their wiues, of any estate of inheritance made before the couerture or after, shall bee good and effectuall in the lawe, against the lessours, their wiues, heires and successours, and euery of them, according to such estate as is comprised and specified in euery such indenture of lease, in like manner & fourme as the same should haue bene, if the lessours thereof, and euery of them, at the time of the making of such leases had bene

lawe

lawfully seased of the same landes, tenementes and hereditamentes compryzed in such indenture, of a good, perfect and pure estate of fee simple thereof to their owne only vses.

¶ Prouided alwey, that this act nor anie thing therein cõtained, shall not extende to anie leases to be made, of anie maners, lãdes, tenementes, or hereditamentes, beinge in the handes of anie fermour, or fermours, by vertue of anie olde lease, vnlesse the same olde lease be expired, surrendred, or ended, within one yere next after the making of the said newe lease, nor shal extend to any grauntes to be made of any reuersion, of anie maners, landes, tenementes, or hereditamentes, nor to any lease of anie maners, landes, tenementes, or hereditamentes, which haue not moste commonly ben letten to ferme, or occupied by the fermours thereof, by the space of xx. yeres next before such lease thereof made, nor to anie lease to be made, without empeachement of waste, nor to anie lease to be made aboue the number of one & twenty yeres, or three liues at the moste, from the day of making thereof. And that vpõ euery such lease there be reserued yearely dureinge the same lease due & payable, to the lessours their heires and successours, to whom the same landes should haue comm en after the deathes of the lessours, if no such lease had ben thereof made, and to whom the reuersion thereof, shall appertaine, according to their estates and interestes, so much yerely

ferme

hereof no rent, or more, as hath beene moste accustomably yelde or paide for the maneors, landes, tenementes, and hereditamentes, so to be letten within xx yeres next before such lease thereof made, and that every such person and persons, to whom the reuersion of such maneors, landes, tenementes, or hereditamentes, so to be letten, shall appertaine as is aforesaide, after the deathes of such lessours or their hyres, shall & may haue such like remedie and auantage, to all intentes & purposes, against the lessees thereof, their executours and assignes, as the same lessour should or might haue had against the same lessees. So that if the lessour were seised of any especiall estate taile of the same hereditaments, at the time of such lease, that the issue or heire of that especial estate, shal haue the reuersion, rentes and seruices reserued vpon such lease, after the death of the saide lessour, as the lessour himselfe might or ought to haue had if he had liued.

¶ Prouided alwaye that the wife be made partie to every such lease, which hereafter shal be made [by] her husband, of any maneours, landes, tenementes, or hereditamentes, being the inheritaunce of the wife, and that every such lease be made by indenture in the name of the husband and his wife, and she to seale to the same. And that the terme and rent be reserued to the husbande and to the wife, and to the heires of the wife according to her estate of inheritaunce in the

same,

same. And that the husband shall not by any
wife alien, discharge, graunt or geue away
the same rent reserued, nor any part therof
longer then during the coverture, without
it be by fine levyed by the saide husband &
wife. But that the same rent shall remayne
discend, reuerte or come after y death of such
husbande, vnto such person or personnes &
their heires, in such maner and sorte, as the
lands so seised should have done if no such
lease had therof been made.

¶ Prouided also that this acte extend not
to geue any libertie or power to any person
or persons to take any mo fermes, leases or
takings of any manours, landes, tenementes
or other hereditamentes, then he or they
should or might lawfully have done before
the making of this acte. ¶ See the statute
made 25. H. 8. cap. 13. Here is not ment to
geue any libertie or power to any person or
vicar, of any church or vicarage, for to make
any lease or graunt of any their messuages,
landes, tenements, tithes, profites, or here-
ditamentes belonging to their churches, or
vicarages, otherwise or in any maner then
they should or might have done before the
making of this acte, any thing conteyned in
this acte to the contrary notwithstanding.

¶ And furthermore be it enacted by auc-
toritie aforesaide, that all leases at any time
within the space of three yeres nexte before
the xij. daye of Aprill, and in the xxij. yere of
our soueraign Lord the kinges raigne, made

by

by writing indented vnder seale, by anye person or persons of full age, of whole memory, not vnlawfullie coerced, nor being couert baron, for terme of yeres, of any manours, landes, tenementes, or other hereditamentes, whereof the lessour or lessours, were seised of any estate of inheritaunce, of and in the same to their own only vse at the time of makinge any such lease thereof, and whereof the lessees their executours and assignes, be now in possessiō by vertue of the same lease, and no waste of reuenry or forfaiture thereof had or made, shalbe good and effectuall in the lawe, against the lessours, their heires and successours, and the heires and successours of euery of them, according to the couenauntes, articles, and agreementes specified in euery such indenture of lease So alwais there be reserued & yerely payable, during the same lease, to the said lessours their heirs or successours, or to such other as should or ought to haue had y same manours, landes, tenementes, or hereditamentes so leased, after the decease of such lessours, in case no such lease had thereof bene made, as much yerely rent for the same, as was at any time therfore yelden or paid within xx. yeres next before y making of any such lease, or els such leases to be of no other force nor effect, then they were before the makinge of this present acte.

And moreouer for certaine considerations, be it enacted by authoritie aforesaide, that

that no fine, feoffement, or other act or actes hereafter to be made, suffered, or done, by the husband only, of any manours, landes, tenementes, or hereditamentes, being the inheritaunce or freeholde of his wife, during the couerture betweene them, shal in any wise be or make any discontinuance therof, or be preiudiciall or hurtful to the said wife, or to her heires or to such as shal haue right, title, or interest to ỹ same by the death of such wife or wiues. But that ỹ same wife or her heires, & such other to whom such right shall appertaine, after her decease, shall and maye then lawfully enter into all such manours, landes, tenementes, and hereditamentes, according to their rightes, and titles therin, any such fine feoffement or other acte to the contrary notwithstanding, fines leuied by the husband and wife (whereunto the sayd wife is party and ỹruy) only except.

¶ Prouided furthermore, that this clause or acte extende not to geue any liberty to anye such wife, or to her heires, for to auoide any lease hereafter to be made of any therinheritaunce of the wife by her husbande, and her for terme of xxi. yeares, or vnder, or anye her inheritaunce for terme of thrice liues at the vttermost, whereupon as much yearely rent or more is or shall be reserued, & yerely paiable during ỹ same lease, as was at any time therfore yelde or paied within xx. yeres next before the making of any such lease, according to the tenour of this present acte,

any

any thing therein conteined to the contrary notwithstanding.

¶ Prouided also, that this act extend not to make good any lease or leases, heretofore made, by any ecclesiastical person or persons by their couent or common seale, which bee made void or taken away, by authority of any act of parliament heretofore made, nor extende to make good any lease or leases, heretofore made by any ecclesiastical person or persones nowe being attainted of treason, vnder their couent seale or otherwise, or by any other person or persons nowe being attainted of treason by act of parliam̃t or otherwise: But that all & singuler such lease and leases & euery of them now made or hereafter to be made, shalbe of suche like effect and strength in the law & none other as they & euery of them were before ỹ making of this act: any thing before mentioned in this acte to the contrary thereof notwithstanding.

¶ An acte concerning mispleading, seofayles and artourneis. 32. H. 8. cap. 30.

¶ Repleader. 1.

IN̄ hereafter if any issue be tried by ỹ othe of twelue or mo indifferent men for the party plaintife or demaūdāt or for the party of the tenāt or defendant, in any maner of

action or suyte at the common lawe of this realme, in any the kinges courtes of recorde, that then the Iustice & Iustices by whom iudgemẽt thereof ought to be geuen, shal proceede and geue iudgement in the same, anye misplcading, lacke of colour, insufficient pleading or iesoyle, any miscontinuance or discõtinuance of miscõueying of ꝑcelle, misloyning of ỹ yssue, lack of warrãt of attorney of the party against whom the same yssue shall happe to be tried, or any other default or negligence of any of the parties, their counsellors or attourneys, had or made to the contrarye notwithstanding. And the said iudgements thereof so to be had and geuen shall stande in full strength and force, to all intentes & purposes, according to the saide verdict, without any reuersell or vndooing of the same by wryt of errour, or of false iudgement in like fourme as though no suche default or negligence had neuer ben had or committed.

¶ Prouided alwaye and be it enacted by the authoritie aforesayde, in auoydinge of errours and other great incõueniences, that daylye do fortune to ryse and growe in the kinges courtes of recorde at Westminster, through the negligence of attourneys, because they delyuer not their warrantes of attourney in suche actions and suytes, wherein they bee named attourney, according to the lawes of this realme, that all and euery suche persone and persones, which shall fortune hereafter to bee attourney to or for

any

any other persone or persones, being demaundant or plaintife, tenant or defendant in any action or suite, at any time hereafter commenced or taken in any of the kings said courts, and pleade to any issue in the same action or suite: That then the said attourneis and euery of them from time to time, shall deliuer or cause to bee deliuered his or their sufficient and lawfull warrante of attourney, to be entered of recorde for euery of the said actions or suites, wherein they be named attourneis, to the officer or his deputie, ordeined for the receipte and entering thereof, in the same terme when the said issue is entered of recorde in the sayde courte, or afore, vpon paine of forfaitinge vnto our saide soueraign lord ten pounides sterling for euery defaute, for non deliuering of the said warrant of attourney. And also further to suffer such imprisonment as by the discretion of the iustices of the court for the time being, where any such defaute shal fortune to be had or made, shalbee thought conuenient: This present acte with ye proviso to endure till the laste day of the next parliamẽt| This was continued An. 33. H. 8. ca. 17. & An. 37. H. 8. ca. 23. & An. 2. E. 6. ca. 31. it was made perpetuall.

¶ An acte concerning ioyntenants for terme of life, or yeres. Anno. 32. H. 8. Cap. 32.

Partition. 4.

FOrasmuch as in the pliamēt begon at Westm̄ the eight and twenty day of Aprill, & there cōtinued til the xxviij. day of June the xxxi. yere of ỹ kings most noble & victorious raign that nowe is: It was amōgst other things there enacted and established, that all iointenants and tenants in common, that then were or hereafter should be of any estate or estates of inheritance in their owen rights, or in the right of their wiues, of any manors, lands, tenements or hereditaments, within this realm of England, Wales, or marches of the same, shal & may be coacted and compelled by vertue of the said act, to make partitiō betweene them of all such manors, lands, tenementes, and hereditaments as they thē held, or hereafter should hold as iointenants, or tenants in common, as more plainly at large appeareth by the said statute. And forasmuch as the saide estatute doth not extende to iointenants and tenants in common for terme of life or yeres, nether to iointenantes and tenants in common, where one or some of them haue but a particular estate for terme of life or yeres, and the other haue estate or

estates

eſtates of inheritance, of and in any manors, lands, tenements, and hereditaments. Be it therfore enacted by the king our ſoueraigne lord, and by thaſſent of the Lords ſpirituall and temporal, and the commons in this preſent parliament aſſembled, and by the authoritie of the ſame, that all iointenants and tenants in common, & euery of them wlych now hold, or hereafter ſhal hold, iointly or in common, for terme of life, yere or yeres, or iointenants or tenants in commō, where one or ſome of them haue or ſhal haue eſtate or eſtates, for terme of life or yeres, with ye other, that haue or ſhal haue eſtate or eſtates, of inheritance or freehold, in any manors, lands, tenements or hereditaments, ſhalbe compellable from hēceforth, by writ of partition, to be purſued out of the kinges court of chancery vpon his or their caſe or caſes, to make ſeuerāce & partitiō of al ſuch manors, lands, tenements, and hereditaments, wlych they hold iointly or in common, for terme of life or liues, yere or yeres, where one or ſome of thē hold iointly or in common, for terō of life or yeres, ye other or that haue an eſtate or eſtates of inheritance or freehold.

Prouided alway and be it enacted that no ſuch partition nor ſeuerance hereafter to be made, by force of this acte be not ſhall be preiudiciall or hurtful to any perſon or perſons, their heires or ſucceſſors, or other then ſuch wlych be parties vnto ye ſaid partition

their executors or assignes.

¶ That the dying seased of a wrongful disseisor is no discent to the law. 32. H. 8. Cap. 33.

¶ Entre lawfull. 2.



Here diuers persons, of their insatiable myndes, haue heretofore by strength, & without title, entered into manors, landes, tenemẽtes, & other hereditaments, and wrõgfully disseased ỹ rightful owners & possessors therof, and so being seased by disseisin, haue therof dyed seased, by reason of which dying seased, that disseisee, or such other persionnes as before suche discent might haue lawfully entred into the saide manours, lands and tenements, were and be therby clerely excluded of their entre into the said manours, landes, & tenements, and put to their action for their remedy and recouery therin, to their great costes & charges. For reformation wherof, be it enacted by the auctoritie of this present parliamẽt, that the dying seased hereafter, of any such disseisor, of, or in any manours, landes, tenements or other hereditamẽtes, hauing no right or title therin, shall not be taken or deemed from henceforth any such discent in the lawe, for to tolle or take away, the entre of any

of anie suche persone or persones or their heires which at the time of the same disseisin had good and lawfull title of entre, into the said manours, landes, tenements or hereditaments, except that suche disseisour hath had the peasible possession of such manours, landes, tenements or hereditaments whereof he shall so die seysed, by ỹ space of v. yeres next after the disseisin therein by him committed, without entre or continuall claime, by or of such person or psons as haue lawfull title thereunto.

¶ An act concerning graūtees of reuersiō to take auauntage of the conditions to be performed by the lessee, Anno. 32. H. 8. cap. 34.

¶ Condition. I.

Where before this time, diuers as well temporall as ecclesiasticall and religious persones, haue made sundrie leases, demises, and graūtes to diuers other persons, of sundrie manours, lordships, termes, meases, landes, tenements, medowes, pastures or other hereditaēnts, for terme of life or liues, or for term of yeres, by writing vnder their seal or seals, cōteyning alias cōteyning certein cōditiōs, couenāts, & agreemēts, to be performed as well on ỹ part & behalfe, of ỹ said lessees & graūtees, their executours and assignes, as on the behalfe of the same

lessours and graunteurs, their heirz & successours. And forasmuch as by the common lawe of this realme, no straunger, to any covenant, action, or condition shall take any aduauntage or benefite of the same, by any meanes or waies in the lawe, but only such as be parties or privies thereunto, by the reason whereof, as well al graūtees of reuersions, as also al graūtees & patentees of the king our soueraigne lord, of sundry maners, lordships, graūges, fermes, meaies, lands tenements, medowes, pasturs, or other hereditamentes, late belonging to monasteries and other religious & ecclesiastical houses, dissolued, suppressed, renounced, relinquished, forfaited, geuen vp, or by other meanes come to the handes & possession of the kinges maiesty, since the fourth day of Februarie, the xxvij. yere of his most noble raygne be excluded to haue any entre or action against the said lessees and grauntees, their executours or assignes, which the lessors before ỹ time, mought by ỹ lawe haue had, against ỹ same lessees, for the breach of any condition, couenant, or agreement, compriled in the indentures of their said leases, demises, & graūts: Be it further enacted by the king our soueraigne lord, the lords spritual & temporall, and the commons in this present parliament assembled, & by auctoritie of the same, that as well all & euery person & psons, & bodies politique, their heires successors & assignes, which haue or shal haue, any gift or grāt of

our

our said soueraigne lorde, by his letters pa-
tents, of any lordshyps, maners, landes, tene-
ment, rents, personages, tithes, pozions oz
any other hereditaments, oz of anie reuersiō
oz reuersions of the same, which did belong
& appertaine to any of ỹ said monasteries, &
other religious & ecclesiastical houses, dis-
solued, suppressed, relinquished, forfaited oz
by any other meanes come to ỹ kings hādes
since the saide fourth daye of Februarie the
xxix. yere of his most noble reign, oz which
at any time heretofore did belong oz apper-
taine to anie other plon oz persons, & after
came to the handz of our said soueraigne lorde
as also al other persons, being grauntees oz
assignees to oz by our said soueraigne lorde
the king, oz so oz by any other petiō oz per-
sons then the kinges highnes, and the heirz,
executours, successours & assignes of euerie
of them, shal and may haue & enioy like ad-
uantage against the lessees their executors,
administratours and assignes, by entre for
non payme of the rent, oz for doing of waste,
oz other forfaiture: & also shall & may haue
& enioy all & euerie such like, & the same ad-
uantage, benefite, & remedies by actiō onely
for not performing of her conditions, cone-
nants oz agreements conteined & expressed
in the indentures of their said leases, dimi-
ses, oz grauntes, against all and euery ỹ said
lessees & fermours, and grauntees their exe-
cutours, administratours, and assignes, as
the saide lessours oz grauntours themselues

oz

or their heires or successours, ought, should or might haue had and enioyed, at anie time or times in like maner and fourme as if the reuersion of such lands, tenementes or hereditaments, had not come to the hands of our said soueraigne lord, or as our saide soueraigne lorde his heires and successours should or might haue had and enioyed, in certaine cases by vertue of the acte made at the first session of this present parliament if no such grãt by letters patents had be made by his highnes. The Anno. 31. H. 8. ca. 13.

¶ Moreouer be it enacted by authoritie aforesaid, that all fermors, lessees & grauntees, of lordships, maners, lãds, tenements, rents, personages, tithes, portions, or anie other hereditaments for terme of yeres, life or liues, their executours, administratours, & assignes, shal & may haue like action, aduauntage & remedy, against all & euery person & persons & bodies politike, their heirs, successours and assignes, which haue or shal haue any gift or graunt of the king our soueraigne lorde, or of any other person or psons of the reuersion of the same manours, lands, tenements and other hereditamentes so letten or any parcel therof, for anie condition, couenaunt or agreement, entered or expressed in the indentures of their lease and leases; as the same lessees or anie of them might and should haue had against the said lessours & graunters, their heires or successours, all benefites and aduauntages, of

recous-

remedies in lawe, by reason of anie warranty in deede, or lawe by voucher, or otherwise, onely excepted.

¶ Prouided alwaies that this act nor anything or things therein conteined, shall extende to hinder or charge any persone or persones, for the breache of any couenant or condition, comprised in any such writing as is aforesaid, but for such couenants and cõditions as shalbe broken or not performed after the first day of September next comming, & not before, any thing before in this acte conteined to the contrarie thereof notwithstanding.

Fynes.

¶ An acte for the exposition of the statute of fynes. Anno. 32. H. 8. Cap. 36.

¶ Fynes. 9.

FOr as muche as in the fourtenth yere of the raigne of the late king of famous memorie king Henrie the seuenth father of oure moste dread soueraigne lorde the king that nowe is, | videlicet 4. H. 7. capitulo 24. | it was among manie good and sundry statutes and ordenaunces then made for the common wealth, enacted, ordeined and stablished, that the same maner howe fines shoulde be leuied with proclamations, in the kings court, before

fore his iuſtices of his comm̃ō place, & that ſuch fines with proclamations, ſo had and made, to the intent to void al ſtriues, and debates ſhould be a fiñal end, & cõclude aſwel pꝛuies as ſtraungers to the ſame, certaine perſons excepted & ſaued, as in the ſame eſtatut̃ more plainly apeareth. Sith̃ ſwhich time by diuerſitie of interpretation and expounding of the ſame eſtatute, it hath ben, & yet is by ſome maner of perſons doubted & called in queſtion, whether fines with proclamations, leuied or to be leuied before the ſaid iuſtices, by anie pſon or perſõs, hauing or claiming to haue, in anie maners, lands, tenements, or hereditam̃ts compꝛiſed in the ſame fine, in poſſeſſion, reuerſion, remainder or in vſe, anie maner of eſtate taile, ſhoulde immediatly after ỹ ſaid fine leuied, ẽgrolled & proclamatiõ made, binde the right heire & heires of ſuch tenaunt in taile, & euery other pſõ & pſõs ſeiled, or claiming to their vſe or vſes |She Ꝑ. 19. H. 8. caſe 5.| by occaſion ſwherof diuers debates, cõtrouerſies, ſuits & troubles haue ben begon, mooued & had ſwithin this realme, and mo be like to enſue if remedy for the ſame be not pꝛouided: For the eſtabliſhment and reformation ſwherof, and for the ſure and ſincere interpꝛetation of the ſaid eſtatute, in auoiding all daungers, contentions, controuerſies, ãbiguities & doubts that hereafter may enſurge, growe, & happen: Our ſouereign lord the king, ſwith the aſſent of the lordes ſpiritual and temporal, and the commons in this pꝛeſent parliam̃t

aſſembled,

assembled, & by auctoritie of the same, hath enacted and ordeined, that all and singuler fines, as well heretofore leuied as hereafter to be leuied, before the said iustices, with proclamations, according to the said estatut, by any person or persons, of full age of xxi. yeres, of any manours, landes, tenementes, or hereditamentes, before the time of the same fine leuied, in any wise entayled, to the person or persons so leuying the same fine, or to any the auncestour or auncestours of the same persone or personnes, in possession, reuersion, remainder or in vse, shall be immediatly after the same fine leuied, engrossed, & proclamations made, adiudged, accepted, deemed, and taken, to all intentes and purposes, a sufficient barre & discharge for euer, against the saide persone and personnes, and their heires, clayming the same landes, tenemẽts and hereditamentes or anye parcell thereof, onely by force of anye suche tayle; and as agaynst all other personnes, clayming the same, or any parcell thereof, onelye to their vse, or to the vse of any maner of heire of the bodies of them, any ambiguitie doubt or cõtrariousitie of opinion, ryseu or growen vpon the saide estatute, to the contrary notwithstanding.

¶ Prouided alwaye that this acte nor any thing therein conteined, shall extend to barre or exclude, the lawfull entre, title or interest, of any heire or heires, vson or vsons, heretofore geuen, or hereafter to be geuen growen

of

or accrewed to them or any of them, in or to any maners, landes, tenements or hereditamentes, by reason of anie fine or fines heretofore leuied, or hereafter to be leuied, by any woman, after the death of her husband, contrarie to the fourme, intent and effect of the statute made in the .xj. yere of the saide late king Henry the viij. ca. 20. of anie maners, landes, tenements and hereditamentes, of the inheritance or purchase of ye said husbād or of any his aūcestors, geruen or alligned, to any such woman in dower, or terme of life, or in taile, in vse or in possessiō, but that the same act made in ye said xj. yere of ye said late king Henry the seuenth, shal stand, remaine & be in ful strength & vertue, in euerie article, sentence and clause therein conteyned in like manner and fourme, as though this present acte had neuer ben had ne made.

¶ Prouided also that this act ne any thig therein conteined, do extende to anie fine or fines, in anie time heretofore leuied, or hereafter to be leuied, of any lordships, maners, landes, tenements or other hereditaments, whatsoeuer they bee, the possessioners and owners whereof, by reason of anie cryptelle wordes, conteined in anie special act or actes of parliament, made or ordeined, sithen the saide .xiij. yeare of the raigne of the said late king Henry the viij. stand be holden, or restrained, from making any alienatiōs, discōtinuances or other alterations, of any of the

same

same lordships, manors, landes, tenements, or hereditaments, contained in the sayde fine or fines, but that all and every such fine and fines, at any time heretofore leuied, or hereafter to be leuied, by any such person or persons or their heirs, of any such lordships, manors landes, tenements, or other hereditamentes, shalbe of such like force and strength in the lawe, and of none other effect then that same fine so leuied or to be leuied, should haue bē, if this present acte had neuer been had nor made, any thing therein contained to the cōtrary thereof in any wise notwithstanding.

¶ Prouided also that this acte nor anye thing therein conteigned, shall extend to any fine or fines, heretofore leuied, of any manors, landes, tenements, or hereditamentes, nowe in suite demaunde or variaunce, in any of the kings courtes, or wherof any charters euidences or muniments concerninge the same, be now in demaund in the kings high court of chauncery, nor to anye fine or fines, heretofore leuied of any manours, landes, tenements or hereditaments, which before the first day of this present parliament, haue ben recouered gotten or obteined, by reason of any iudgement, entre, decree, arbitrement or other lawfull meanes, contrary to ye purport intent or effect, of any such fine or fines therof heretofore leuied, nor to any fine or fines heretofore leuied, or hereafter to be leuyed, by any persone or persones, of any manors, landes, tenementes, or hereditamentes,

before

before the time of ꝑ leuying of the same fine, geuen, graunted, or assigned to the saide person or persons, so leuying the same fine, or to any of his or their auncestours in the tayle, by vertue of any letters patents of our sayd soueraigne lorde, or any of his progenitours or by vertue of any acte or actes of parliament, the reuersion wherof at the time of the same fine or fines so leuied; being in our said soueraigne lorde his heires or successours: But that euery such fine & fines shall be of like force strength & effect, as they were or should haue ben, if this act had neuer ben had nor made.

Rentes.

¶ An act for recouery of arrerages of rets by executours of tenant in fee simple. 32. H. 8. ca. 37.

¶ Rentes. 2.

FOrasmuch as by ꝑ order of ꝑ cõmõ lawe, ꝑ executors or administrators of tenãts in fee simple, tenants in fee taile, and tenants for term of liues, of rents seruices, rent charges rent secks, & fee fermes, haue no remedy to recouer such arrerages of ꝑ said rents or fee fermes, as were due vnto their testatours in their liues; nor yet ꝑ heirs of such testatour, nor any plon hauing ꝑ reuersiõ of his estate, after his decease may distraine or haue anye

lawfull

lawfull actiō to leue any such arrerages of rēts or of fee fermes, due vnto him in his life as is aforesaid, by reason wherof the tenāts of the demeane of such landes, tenementes, or hereditamentes, out of the which such rentes were due and payable, who of right ought to pay their rēts and termes, at such day and termes as they were due, doe many times kepe, hold, and retaine, such arrerages in their owne handes, so that the executors and administratours of the personnes, to whom such rentes, or fee fermes were due can not haue or come by the said arrerages of the same, towards |the| payment of the debts, and performaunce of the will of the said testatours. |Mb. 19. H. 6. cap. 83. fol. 41. Dett. 37. and Executors. 98. Anno. 4. E. 3. Iustis Noting.|

¶ For remedy whereof be it enacted by auctority of this present parliament, that the executours, & administratours of euery such persō or persons, vnto whom any such rent, or fee ferme, is or shall be due, & not paied, at the tyme of hys death, shal & may haue an action of debt, for al such arrerages, against the tenaunt or tenauntes, that ought to haue paied the sayed rent or fee fermes, so being behinde, in the life of their testatour, or against the executours and administratours of the said tenauntes. And also furthermore, it shall be lawfull to euery such executour and administratour, of any such person or personnes, vnto whom such

rent or fee ferme[is] or shalbe due, and not paid at the time of his death, as is aforesaid to distraine for the arrerages of al such rēts and fee fermes, vpon the landes, tenementes and other hereditaments, which were charged with the paiment of such rentes or fee fermes, and chargeable to the distresse of the said testatour, so longe as the sayd lands tenements, hereditaments, cōtinue, remaine and be, in the season or possession of the said tenant in demeane, who ought immediatlye to haue paied the saied rent or fee ferme, so being behinde to the said testator in his life, or in the seison or possessiō, of any other person or persones, claimynge the said landes, tenementes and hereditamentes, onely by and from the same tenant, by purchase, gift, or discent, in like maner and fourme as their said testatour mought or ought to haue don in his life time, and the saied executours and administratours, shal for the same distresse, lawfully make auowry, vppon their matter aforesaid.

¶ Prouided alwaie, that this act nor anything therin contained shal not extend to any such mannour, lordship or dominion in Wales, or in the marches of the same, whereof the inhabitauntes haue vsed time out of the minde of man, to pay vnto euery Lorde or owner of such lordship, mannour, or dominiō, at his or their first entrye into the same any summe or summes of money, for the re-

redemption and discharge of all duties for=
faitures and penaltes, wherewith the said
inhabitaunts, were chargeable, to any of
their saied lordes auncestours or predeces=
sours before his said entre.

¶ And further be it enacted by the auctho=
rite aforesaid, that if any man, which nowe
hath, or hereafter shall haue in the right of
his wife, any estate in fee simple, fee taile, or
for terme of life, of, or in any rentes or fee
fermes, and the same rentes or fee fermes,
nowe bee, or hereafter shall bee due behinde
and vnpaied, in the said wiues life, then the
said husbande, after the death of hys saied
wife, his executours and administratours,
shal haue an action of debt for the saied ar=
rerages, against the tenaunt of the demesne
that ought to haue paied the same, his exe=
cutours or administratours. And also ꝑ said
husbād, after the death of his said wife, may
distrain for the said arrerages, in like maner
& fourme, as he mought haue done, if hys
said wife had ben thē living & make auow=
rie vpon his matter as is aforesaid.

¶ And likewise it is further enacted by ꝑ
auctho̅rite aforesaid, ꝑ if any ꝑson or ꝑsons
which now hath or hereafter shal haue any
rents or fee fermes, for terme of life or liues
of any other ꝑson or ꝑsōs, & ꝑ said rēt or fee
ferme, nowe bee, or hereafter shalbe due, & be=
hind & vnpaied, in ꝑ life of such persō or ꝑ=
sons, for whole life or liues, ꝑ estate of the
said rēt or fee ferme did depend or cōtinue, &

after the saied person or persones doth dye: Then hee vnto whom the saied rent or fee ferme was due in fourme aforesaid, his executours & administratours, shal & may haue an action of debt against ỹ tenant in demesn that ought to haue paied the same, when it first was due, his executours and administratours, and also distraine for the same arrerages, vpon such landes and tenements, out of the which the said rẽts or fee fermes were issuing and paiable, in such like maner and fourme, as he ought or might haue done if such person or persones, by whose death the aforesaid estate in the said rents and fee fermes was determined and expired, had bẽ in ful life and not deade. And the answeare for the takinge of the same distresse to bee made in maner and fourme aforesaid.

¶ Willes.

¶ An Act for the explanation of the statutes of Willes An. 34. H. 8. ca 5.

¶ Willes 3.

Where in the last Parliament begunne and holden at Westminster the xxviij. day of Aprill, in the one and thirty yere of the kinges most gratious Raigne | Cap. primo Willes. 2. | And there by diuers prorogations holdẽ and continued vnto

vnto the xviij. day of July, in the xxxij. yere of his saied raigne, It was by the kinges most gracious and liberal disposition, shewed towarde his most humble and obedient subiectes, ordeined and enacted, how and in what maner, lands, tenements, and hereditamentes, myght by will, or testament, in writinge, or otherwise by any act or actes lawfully executed in the life of euery person geuen, disposed, willed, or deuised, for the aduauncement of the wife, preferment of children, payement of debtes, of euery such person, or otherwise, at his will or pleasure, as in the same act more plainely is declared. Sithen the makinge of which estatute, diuers doubtes, questions, and ambiguities, haue risen, bene moued & growen, by diuersitie of opinions taking, in and vpon the exposition of the letter of the same estatut.

¶ For a pleine declaration and explanation whereof, and to the intent and purpose, that the kinges obedient and louinge subiects, shal and may take the commoditie and aduantage of the kinges saide gracious and liberall disposition, the lordes spirituall and temporall, and the comunons in this present parliament assembled, most humble beseechen the kinges maiestie, that the meaning of the letter of the same estatute, concerning such matters hereafter rehearsed, may bee by the authority of this present parliament enacted, taken, expounded, iudged, declared, & explaned, in maner & fourme followinge.

¶ Firſt where it is contained in the ſame former ſtatute, within diuers articles and braunches of the ſame, that all and ſinguler perſon and perſons, hauing any manours, landes, tenementes, or hereditamentes, of the eſtate of inheritaunce, ſhould haue full & free libertie power and authoritie, to geue, will, diſpoſe, or aſſigne, as well by laſt will and teſtament in writing, or otherwiſe, by any act or acts lawfully executed in his life his manours, landes, tenements, or hereditamentes, or any of them in ſuch manner and fourme, as in the ſame former act more at large it doth appeare, which wordes of eſtate of inheritance, by the authority of thys preſent parliament, is and ſhalbee declared, expounded, taken, and iudged, of eſtates in fee ſimple onely. And alſo that al and ſinguler perſon and perſons, hauing a ſole eſtate or intereſt in fee ſimple, or ſeiſed in fee ſimple, in copercenary, or in common in fee ſimple, of, and in any manours, landes, tenements, rents, or other hereditamentes, in poſſeſſion, reuerſion or remainder, or of rentes or ſeruices incident to any reuerſion or remainder, and hauing no manours, landes, tenementes, or hereditaments holden of the king, his heirs or ſucceſſors, or of any other perſon or perſons, by knightes ſeruice, ſhall haue full and free liberty, power & authoritie to geue, diſpoſe, will, or deuiſe, to any perſon or perſons (except bodies politike & corporate) by his laſt will and teſtament in

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ſwryting, or otherwiſe, by any act or actes, lawfully executed i his life, by him ſelfe ſoly or by himſelfe and other iointly, ſeuerallie, or particularly, or by al thoſe ſwaies or anie of thē, as much as in him of right is or ſhal be, al his ſaid maners, landes, tenementes, rents, and hereditamentes, or any of them, or any rents, commons, or other profites, or commodities, out of, or to be perceiued of the ſame, or out of any parcell thereof, at his owne free ſwill and pleaſure anie clauſe in the ſaid former act notwithſtanding.

¶ And further be it declared and enacted by the authoritie aforeſaid, that al and ſinguler perſon & perſons, hauing a ſole eſtate or intereſt in fee ſimple, or ſeiled i fee ſimple in copercenarie, or in cōmon in fee ſimple, of or in any maners, landes, tenements, rents, or other hereditaments, in poſſeſſion, reuerſion, or remainder, or of and in any rents or ſeruices incidēt to any reuerſion or remainder, holden of the king by knights ſeruice in chiefe, or of the nature of knights ſeruice in chiefe, hath & by the authority of this preſent parliament ſhal haue ful and free libertie, power and authoritie, to geue, diſpoſe, ſwill, or aſſigne to any perſon or perſons (except bodies politike and corporate) by hys laſt will & teſtamēt in ſwryting, or otherwiſe by any act or acts, lawfully executed in his life, by him ſelfe ſoly, or by himſelfe & other ioyntlie, ſeuerally, or particularly, or by all thoſe ſwaies or any of thē, as much as in hi

of right is or shal be, two partes alswell of all the said maners, lands, tenements, rentes, and hereditamentes, as of al and singuler his other rentes, and hereditamentes, or of any of them, or ani rentes, commons, or other profites or commodities, out of, or to be perceiued of the same two partes, or out of any parcel therof, in three parts to be deuided, or as much thereof, as shal amount to the full and clere yerely value of two partes therof, in three partes to be deuided of what person or persons so euer they be holden, at his free will and pleasure. And that by the authorite afore said, ỹ sayd will so declared shalbe good and effectuall for two partes of the said maners, landes, tenementes, & hereditamentes, although the will so declared be made of the whole, or of more thē of two partes of the same. The same diuision to be made and set forth, by the deuisour or owner of the same maners, landes, tenementes and hereditamentes, by his last will in writing or otherwise in writig. And in default therof, by a commission to be graunted out of the kings court of the wardes and liueries, vpon the inquiry of ỹ true value therof, by the othes of xij. men, and returne or certificat therof had in the same court, of the saied maners, landes, tenementes, and hereditaments, diuisiō to be made by the master of the wardes and liueries, if the master of the wardes and liueries for the time being, and the parties therunto can not otherwise

wife agree vpon the same deuiſõ. And that the iſſues and profites of the two partes of the same maners, landes, tenementes, and hereditamentes vpon euery ſuch deuiſion to be reſtored to them, that ſhall haue right, or title to the ſame, from the death of ỹ owner or deuiſour thereof.

¶ And further be it enacted and declared by thauctoritie aforeſaide, that all and ſinguler perſon and perſones, hauing a ſole eſtate or intereſt in fee ſimple, or ſeiſed in fee ſimple, in copercenarie, or in common, in fee ſimple, of and in any maners, landes, tenementes, rentes, or other hereditamentes, in poſſeſſion, reuerſion, or remainder, or of and in any rentes, or ſeruices, incident to any reuerſion or remainder, holden of the king, his heires or ſucceſſours by knightes ſeruice, & not in chiefe, or holdē of any other ỹſon or ỹſons by knightes ſeruice ſhal haue full & free libertie, power & authority, to geue, diſpoſe, will or deuiſe, to any ỹſon or perſons, except bodies politike & corporate, by his laſt will & teſtamt in writing, or otherwiſe, by any act or actes lawfully executed in his life, by himſelf ſolye, or by hiſelf & other, iointly ſeuerally or particularly, or by all thoſe wayes, or any of them, as much as in him of right is or ſhall be, two parts of al the ſaid maners, landes, tenementes, and hereditamentes, or anie of them ſo holden by knightes ſeruice, or anie rentes common or other profits or commodities, out of, or to be perceiued of the

ſame

ſame two parts, or out of any parcel therof, in iij. parts to be deuided, or as much therof, as ſhal amount to the full & clere yerelie value of two parts therof, in three partes to be deuided at his free wil & pleſure. And that the ſaid wil ſo declared, by auctho̅itie afore ſaid, ſhalbe good and effectuall, for two partes of the ſaid maners, lands, tenementes, or hereditaments, although the will ſo declared be or ſhalbe made of ẏ whole lands & tenements, ſo holden by knightes ſeruice, or of more then of two partes of the ſame. And alſo for the whole of al other ſuch maners, lands, tenements, and hereditamentes or ante of them, not holden of the king by knights ſeruice in chiefe, or otherwiſe by knights ſeruice, nor of any other perſon by knights ſeruice, & of any rẽts, commons, or other ꝓfits or cõmodities, out of, or to be ꝓceiued of ẏ ſame, or out of any parcel therof at his free wil & pleaſure. The ſame deuiſiõ to be made and ſet forth, by the owner of ẏ ſaid maners, landes, tenementes, and hereditamentes, by his laſt will & teſtament in writing, or otherwiſe in writig. And in default therof, for aſmuch of the ſame maners landes, tenements, and hereditamentes, as ſhal concerne the kings intereſt, by commiſſion, to be directed out of the kinges court of the wardes and liueries, in maner & forme as is afore ſaid: if the maſter of the wardes and liueries for the time being, and the parties thereunto cannot otherwiſe agree bẽ

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the same diuision. And that restitution of the issues & profits of the two parties there-of, shalbe had and made, in maner & fourme aboue said. And for such of the same maners lands, tenements, and hereditaments, as shall concerne the interest of any other lorde or lordes, by commission to be graunted out of the kinges court of the Chaunc'ry, to enquire thereof, by the othes of xij. men, if the same lorde or lordes, and the parties thereunto can not otherwise agree vpon the same diuision.

¶ And be it further enacted & declared by auctho'itie afo'esaide, that the sauinges, re-seruings, and prouisions concerning sauing of the custody, wardship, reliefe, and p'mer seasons to the king, of such manners, lordes, tenementes and hereditamentes, or asmuch thereof, as shall appertaine vnto him; by vertue of the said former act, and by the declaration and exposition thereof, declared by this present act; during the kinges interest therein. And also of the custody & wardship to other lords, of as much of such manners lands, tenements,, and hereditamentes, holden of them, as shall amount and extend to the clere yerely value of ỳ third part thereof ouer and aboue al charges, without any diminution or abridgement of the third part, or of the full profits thereof, comprised and mencioned in diuers articles in the said former act contained, by ỳ auctho'itie afo'esaid be & shalbe intended, expounded, & taken, as

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hereafter ensueth: that is to say, that ỹ king shal haue and take for his full thirde parte, of all such maners, landes, tenementes, and hereditaments, whereunto he is or shal be intitled by the saide former act, and by this present act, such maners, landes, and tenements, as shall by any meanes discend, or come by discent, as well of estate of inheritaunce in fee taile, as in fee simple, or in fee taile onely to the heire of anie such person or that shal make any will, gift, disposition, or deuise, by his last wil in writing, or by any act or actes lawfully executed in his life, immediatlie after the death of the same deuisour or owner thereof. And that the will, gift & deuise of euery such deuisour or owner, of and for the two partes of the sayde maners, landes, tenementes, and hereditamentes residue, shal by the authority aforesaid, be and stande good and effectuall in the lawe, albeit the same will, gift, or deuise be had and made of all his fee simple landes, tenements, and hereditaments, or of the more part thereof. And in case the same maners, landes, tenementes, and hereditamentes, which after the death of anie such owner or deuisour, which shall make anie such gift, disposition or deuise, by his last wil in writing, or otherwise, by any act or acts lawfully executed in his life, to his wife children or otherwise as is aforesaid, which shal immediatly after his death, discend, reuert, remaine or come, to his heire or heires, as well

of

of estate of inheritance in fee taile, as of estate in fee simple, or fee taile onely, be not, or shal not amount or extende to the full clere yerely value of the iul thirde part, with the full profits thereof, of al the said manours, landes, tenementes, or other hereditamentz of the said deuisour or owner, accordinge to the true intent and meaning of the said former act, and of this present act, that thē the king shall and may haue and take into his handes and possession, to make vp hys full thirde part, with the ful profits thereof according to his interest therein, as much of the other manours, landes, tenementes, or hereditamentes, willed, geuen, disposed, or assigned by any such persō, to his wife, children or otherwise, as is aforesaid, as wyth such of the same manours, landes, tenemētz, and hereditaments discended, or by anye meanes come vnto the heire, as heire of any such deuisour or owner, shall make vp the clere yerely value of the said ful thirde part with the full profits thereof, of al the sayed manours, landes, tenements, hereditaments of euery such owner or deuisour, so to bee had to the kynge, in title of wardshipp or primer seasen, as the case shall require. And the deuision thereof to be had and made, & with the restitution of the profits of ỹ two partes of the said manours, landes, tenementes, and hereditamentes, in such maner and forme as is aboue rehersed. And like benefite and aduauntage to be geuen, had, & taken,

taken, by the said auctho̅itie, to euery Lord and Lordes of whome any such manours, landes, tenementes, or hereditamentes, beene or shalbee holden by knightes seruice, in maner and fourme as is aboue saied concerninge onely his or their thirde partes thereof, accordinge to their said interest therin.

¶ And be it further enacted, by the auctho̅itie aforesaid, that if it happen ỹ same third parte, or any parcel therof left, willed, or assigned, to the kinge or other lord, at any time during their interestes therin, to be lawfully euicted or determined, that then the kinge and the other Lorde, shall haue as much of the two partes residue, as shall accomplishe and make vp a full third part, in clere yerely value, after the rate and portion of such manours, landes, tenements, and hereditamentes, as shall then happen to remaine of the same third parte, not deuicted nor determined, and of the other two partes of such manours, landes, tenementes, and hereditamentes, as the kinge or other lorde shoulde or ought to haue had, by vertue of the layd former act, and this present acte: and ỹ same to bee deuided, in maner and fourme aboue rehersed, any clause in the said former acte notwithstanding.

¶ And bee it further enacted and declared by thauctho̅itie aforesaid, that the sauinge & reseruing for fines for alienatiõ, by any such laste will and testament, of such manours, landes,

landes, tenementes, or hereditamentes, holden of the king by knightes seruice in chiefe, or of the nature of knights seruice in chiefe, or by socage in chiefe, or of the nature of socage, tenure in chiefe, or for fines for alienation, of such manours, landes tenementes, or hereditamentes, whereof there shall bee any alteration of freeholde, or of inheritance, made by any such laste will, compriſed in diuers and sundry articles, mentioned in the said former acte, bee and shall bee intended, expounded, taken, deemed and iudged, by the authoritie aforesaid, that all such persone or persones, to whome the said manours, landes, tenementes, or hereditamentes, or any of them, bee or shalbee geruen, disposed, willed, or deuised, by any such last will, shalbee exonerated acquited and discharged for euer, against the kinge, his heires and successours, for all such fines for alienations, by any such last will or testament, without licence, by suing forth of the kinges pardone for alienation out of the kinges court of Chauncery, payinge to the kinge his heires or successours, for the fine of euery such alienation, the third part of the yerely value of the same manors, lands, tenemẽts or other hereditaments, to him or thẽ willed or deuised, & this acte from time to time shal be a sufficient warrant, to the lord chauncellour of Englãd, or keper of ỹ great seale for the time being, for ỹ grauting out of the said pardõ or pardõs, vnder ỹ kings great seale

as

as heretofore hath ben vsed for pardons for alienations, without any further suit to bee made to the king for the same.

¶ And it is further declared & enacted, by ỹ authoritie aforesaid, that willes or testaments, made of any manours, landes, tenements, or other hereditaments, by any woman couert, or person within the age of xxi. yeres, idiot, or by any person de non sane memorie, shal not be taken to be good or effectual in the law.

¶ And be it further enacted by the authoritie aforesaied, that if any person or persõs hauing estate of inheritance, of or in, manours, landes, tenements or hereditaments holden of the kinge by knightes seruice in chiefe, or otherwise of the kinge by knightes seruice, or of any other person or persons by knightes seruice, hath geuẽ at any time sithen the xx. day of ỹ said moneth of July. |32. H.8. Añ dñi 1540.| or hereafter shall geue, will, deuise, or assigne, by will, or other act executed in his life, his manours, lands tenements, or hereditamentes, or any of thẽ by fraude or couine, to any other person or personnes, for terme of yeres, life or liues, with one remainder ouer in fee, or with diuers remainders ouer for time of yeres, life or in taile, with a remainder ouer in fee simple to any person or psons, or to his or their right heires, or at any time sithen ỹ said xx. day of July, hath conueied or made, or hereafter shal conuey or make by fraude or couin

con-

contrary to the true intent of this acte, anye estates, conditions, menalties, tenures, or conueiances, to the intēt to defraude or disceiue the king of his prerogatiue, primer seasō, liuerie, relefe, wardship, mariages or right: or any other lord of their wardships reliefes heriots, or other pfits which should or ought to accrue, growe or come vnto thō or any of them, by or after the death of his or their tenant, by force and according to the former estatute and of this present act & declaration: and the same estates and other cō ueiances, being found by office to be so made or contriued by couin, fraude or discipt, as is aboue said, contrary to the true intent and meaning of the saide former act, and of this act: That then the king shall haue as well the wardship of the body, and custody of the landes, tenements and hereditaments, as liuerie, primer season, relefe, and other pfits, which should or ought to appertaine to the king, according to the true intent and meaning of the said former acte, and of this present act, as though no such estates or cōueiances by couin, had neuer bene had or made vntill the saide office be lawfully vndone by trauers or otherwise. And that ỹ other lorde and lordes, of whom any suche mainours, landes, tenements or hereditamentes, shalbe holden by knightes seruice, as is aforesaide, shall haue their remedy in such cases, for his or their wardships of bodies and lands, by writ of right of warde, and shall distraine &

make auowry or cognisaunce, by them selues or their bailifes, for their reliefes, herioes, and other profits, which should have ben to them due, by or after the death of their tenaunt, as if no suche estate or conueyaunce had ben had or made. Sauing and reserving alwaies, by the auctoritie aforesaide ye right and title of the donees, feoffees, lessees, and deuisees therof, against the said deuisour and his heires, after the interest and title of the kyng or other lorde therein ended and determyned.

¶ Prouided alwaies that this act, explanation, and declaration, or any of them, or any thing in this said acte, explanation or declaration conteined, shall not extende to the will or deuise of syr John Gaynsforde, late of Crowherst in ye coūty of Surrey knight deceased: Nor to the will or deuise of Sir Peter Filpot knight deceased: Nor the will or deuise of Rychard Cresswell late of Wattingley in the county of South. gentleman deceased, nor to the will or deuise of Thomas Wroton late of the county of Berk. gentleman deceased, sonne of sir Thomas Wroton knight also deceased: or shall be in any wise preiudicial or hurtfull, to any persone or persones, for or concerning any manours, landes, tenementes or hereditamentes conteyned or especified in the sayde willes or deuises, or in any of them, but that the saide last willes and deuises, and euery of them shall stande, abyde, remayne and be, in the same case, force

and

and effect in the lawe, to all intents, purpo-
ses and constructions, as the saide last Wills
and Deuises, and euery of them, were before
the making of this acte, declaration and ex-
planation, and of none other effect or force:
this act, declaration and explanation, or anie
of them, or anie thinge therein contained to
the contrary thereof in any wise notwith-
standing.

¶ Prouided alway, & be it enacted by the
authoritie aforesaid, that all and euery per-
sonne and personnes from whom the kinge
or other lorde or lordes, shall take any ma-
nours, landes, tenements or hereditaments
for his or their full thirde parte, or to make
vp his or their third parte, shall and may, by
authoritie of this present act, in anie of the
cases aforesaide vpon his or their bill exhi-
bited in the kinges court of Chauncerie, a-
gainst all and euery such personne and per-
sones, which shalbe intitled by or vnder a-
nie such Will, gift, disposition or deuise, to the
other two partes, haue such contribution or
recompence for the same, as by the chaun-
cellour of England, or by the keeper of the
great seale of England for the time
being, shalbe thought good
and conuenient.

See the statute 34. H. 8. cap. 20.
of Recoueries.

Recoueries.

¶An act to embarre feined recoueries of lands, wherein the kings maieſtie is in reuerſion 34.H.8.Ca.20.

¶Recoueries.4.

WHere diuers of the kinges moſte noble progenitours, and ſpecially the king our ſouereigne lorde, moſte liberallie aboue all other, hath geeuen and graunted, or otherwiſe prouided to his and their louing & good ſeruants and ſubiectes, aſwell nobles as other, mannours, meaſes, lands, tenements, rents, ſeruices and hereditaments to them and to their heirz males of their bodies, or to the heires of their bodies lawfully begotten, minding at the time of ſuch giftes not onely to preferre and aduaunce preſently the doneꝛs, but alſo their heires in bloud of their bodies, according to the limitation of the ſaid giftes: to thentẽt ỹ recompence for the ſeruice of ſuche doneꝛs, ſhould not onely be a benefite for their owen perſons, but a continual profit & cõmodity to⁊ for their heires cõming of their bodies, whereby ſuch heires ſhould haue in ſpecial memory and dayly remembrance, the profit that they haue & take by the ſeruice of their auncеſtors done to the kingz of this realme and therby be the better encouraged to do like ſeruice to their ſouereigne lorde, as to their dueties of allegeaunce appertayneth.

And

And for as much as sundry such doncës in taile, and their heires haue suffered, & daylie suffre by their consentes, vntrue and feined recoueries to be had against them, with cõmon voucher or otherwise, of maners, meases, lands, tenements or hereditamentes, so geuen, graunted or prouided, in taile by the kings maiestie, or his noble progenitours, as is aforesaide, to the intent by fraude, coyn and vndue meanes, not only to binde & defete their heires inheritable by the limitation of such giftes, but also the king of his prerogatiue, wardship, primer-seison, and other his rights, wherby questions and diuersities of opinion haue risen, and yet be: whether such fained and vntrue recoueries against such tenants in taile, by their owne consents, of lands, tenements or hereditaments, wherof the reuersion or remainder is in the king, at the time of such recouery or recoueries had, should after the death of ỹ tenant in taile, bind the heirs in taile or not. For the plain declaratiõ wherof, & to auoid and extinct from henceforth diuersities of opinions in such cases: be it ordeined & enacted by authoritie of this present parliamẽt, that no such fained recouerie hereafter to be had, by assent of parties, against any suche tenant or tenants in taile, of any lands, tenements, or hereditaments, wherof the reuersion or remainder at the time of such recouery had, shalbe in the king, shall binde or conclude the heires in taile, whether anye

condition/alias common/voucher be had in any such feined recouery or not, but that after the death of euery such tenant in taile against whō anie such recouerie shalbe had, the heires in taile may entre, haue and enioy the lands, tenements and hereditaments so recouered according to the fourme of ỹ gift of entaile: the saide recouerie or anie other thing or things hereafter to be had, done or suffred by or against anie such tenant in tail to the contrary notwithstanding.

¶ And be it also further enacted by thauctoritie aforesaide, that the heires of euerie such tenant in taile, against whom any such feyned recouerie shalbe had, shall take none aduauntage for any recompence in value against the vouchee or his heires.

¶ Prouided alway that this act nor anie thing therin cōteined, be in any wise preiudicial or hurtfull to the lessee or lessees of any such tenant in taile made or to be made by writing indented, of any maners, lands, tenementes or hereditamentes for terme of xxj. yeres, three liues, or vnder, whereupon the accustomable rent and rents or more, is or shalbe reserued, yearlie during the same terme or termes: but the same lessee and lessees, shall and may haue and enioy his or their terme and termes therein against the heire and heires of euery such tenāt in taile according to the tenour, purport and effecte of the statute made in the xxxij. yeare of the reigne of our soueraign lord king Henry ỹ 8.

any

any thing in this acte contained to the contrary therof notwithstãding. | See An. 32. H. 8. cap. 28. Leases. 2.

¶ An acte that fines in townes corporate shalbe made as the same in time heretofore haue bene. 34. H. 8. Cap. 22.

¶ Inrolments. 3.

WHere in the parliament holden in the xxbij. yeĕ of our most dread soueraign lord king Henry ỹ eight | See ỹ statute ment. 32. H. 8. ca. 28. but all the printes be. 27. H. 8. ideo quere. | It was enacted by auctholitie of the said parliament amõgst other, that no fine, feoffemt or other acte or actes hereafter to bee made, suffered or done, by the husband onelie, of manoures, landes, tenementes or hereditamentes, being the inheritaunce, or the freehold of his wife, duringe the couerture betweene them: shall in anie wise be or make anie discontinuaunce therof, or be preiuditiall or hurtfull to the saide wife, or to her heires, or to such as shall haue right, title or interest by the same, by the death of such wife or wiues: but the same wife and her heires, and suche other, to whome suche righte shall appertaine, after her decease, shall and maye then lawefullye enter into all suche manoures, landes,

tenements and hereditaments, according to their rights & titles therin, any such fine, feoffemēt or other act to the cōtrary notwithstanding, whens the making of which acte, diuers doubts, questions, & ābiguities haue risen, that is to say, whether the recouries and deedes enrolled, which be in nature of fines, and whereupō women couert haue bē vsed to be examined, taken, had, or knowledged as well within ỹ citie of Londō, as in many other cities, boroughs & townes within the realm of England should binde al such women couert, that should happen to be examined vpō the same recouries and deedes enrolled. In auoyding therfore al such ambiguities & doubts: Be it enacted by ỹ kinge our soueraign lord, the lords spirituall and temporall, and the commons in this present parliament assembled, and by authoritie of the same, that all recouries, deedes enrolled and releasses heretofore knowledged & taken, or at any time hereafter to be taken and knowledged before the maiors, aldermē, recorders, chamberlaines, or other head officer or officers, as well of the citie of London, as of any other citie, borough, or towne corporate within the realme of England, hauing power and authority to take & receiue the same, according to the laudable vsages & customs of ỹ said cities, boroughs & townes and euery of them, shal be, stand and remain of like force, strength and effect to al intents and purposes, as they or any of them were

before the making of the said act in the said xxxij. yere of our said soueraign Lord: Any thing in ỹ same conteined to the contrary in any wise notwithstanding.

¶ An acte against vsurie 37. H.8. Cap. 9.

Vsurye. 6.

WHere before this time diuers & sundry actes, statutes and lawes haue ben ordained, had and made within this realme, for the auoiding & punishment of vsurie, being a thing vnlawful, & of other corrupt bargaines, shifts, and cheuisaunces, which actes, statutes and lawes, ben so obscure & darcke in entents, words & termis and vpon the same so many doubtes, ambiguities and questions haue risen and growē and the same actes, statutes & lawes bene of so litle force or effect, that by reason therof, litle or no punishment hath ensued to the offenders of the same, but rather hath encouraged them to vse the same. ¶ For reformation whereof, be it enacted by the kinge our soueraign Lord, by thassent of the lords spirituall and temporall, and the commons in this present parliament assembled, and by the auctoritie of the same, that al & euery the said actes, statutes and lawes, heretofore made, of, for or concerning vsurye, shiftes, corrupt bargaines, and cheuisances, and

and euery of them, and al prines, forfaitures and penalties concerning the same, and euery part therof, shall from henceforth be vtterly voide and of none effect, to all intents, constructions and purposes.

¶ And be it further enacted by the auethoritie aforesaide, that no personne nor personnes, of what estate, degree or condition soeuer he or they be, from and after the laste day of Januarie next comming, shal by him selfe, factour, attourney, seruant or deputie, sell his marchandises or wares to any personne, or personnes, and within three monethes next after, by him selfe, factour, attourney, deputie, or by any other persone or persons to his vse and behoufe, buy ȳ same marchandise or wares, or any parte or parcell therof, vpon a lesser price, knowing thē to be the same wares or marchandises, that he before did so bargaine and sell, vpon the paines and forfaitures hereafter limitted in this estatute.

¶ And be it also enacted by the same auethoritie, that no person nor persons, of what estate, degree, qualitie or condition soeuer he or they be, at any time after the said last day of Januarie next comming, by way or meane of any corrupt bargaine, lone, exchange, chenisance, shift, interest of any wares, marchandises, or other thing or things whatsoeuer, or by any other corrupt or discreitfull waye or meane, or by any couin, ingin, or discriptfull way or conueyance, shall haue, receiue, accept

accept or take in lucre or gaines, for the for-
bearing or geuing daye of payment, of one
whole yere of and for his or their money or
other thing, that shall be due for the same
wares, marchãdise, or other thing or things
aboue the sũme of x.li. in the hundred, and
so after that rate and not aboue, of and for a
more and lesse sũm, or for a longer or shorter
time, & no more or greater gain or sũm ther-
vpon to be had, vpon ẏ paines & forfaitures
hereafter in this act mẽtioned & cõteined.

¶ And be it further enacted by authority
aforesaide, that if any ẏson or persons at any
time after the said last day of Januarie, doe
bargain & sel, or lay to morgage by any way
or meane, any manors, lãds, tenemẽts, or he-
reditamẽts, to any ẏson or persons, vpon cõ-
dition of paiment or non paiment of anie
summe or summes of money, to be had, paid
or made, at any day certaine, or before any
suche day, by him that shall so bargaine, sell
or lay to morgage, the same manors, lands,
tenements or hereditaments, that the same
person or persons, to whõ any such manors
lands, tenements or hereditamẽts, shalbe so
bargained, solde or laid to morgage, shal not
by reason therof, haue, ne take in lucre, or
gaines of the issues, reuenues & ẏofits of ẏ
same manors, lands, tenementes, or here-
ditaments, aboue the summe of ten pouñd in
the hundreth for one whole yere, and so af-
ter the rate aboueslaid, for a more or a lesser
sũme, or for a lõger or shorter time, & no more

nor

nor otherwise, vpon the paines, forfaitures & penalties hereafter in this present estatut limitted and expressed.

¶ And be it further enacted by the authoritie aforesaid, that if any person or persons, of what estate, degree, qualitie, or condition soeuer he or they be, at any time after the said last day of January next comming shall doe any act or acts, thing or things, cõtrary to the tenure, forme and effect of this estatute, or any clause, article or sentẽce cõteined in ỹ same, ỹ then al & euery offẽder & offenders therin, or in any part thereof, shall forfait & lose for euery such offence, the treble value of the wares, marchandises and other thing or things so bargained, sold, exchãged or shifted, and the treble value of the issues and profites of the said manors, landes, tenements and hereditaments, so had takẽ or receiued, by reason of any such bargain, sale, or mortgage, and also shall haue and suffer imprisonment of his body, and make fine & raãsone at the kings will & pleasure: The moitie of which forfaiture of the said treble value shall be to the king, and thother moity to him or them that will sue for the same in any of the kings courts by actiõ of debt, bil. plaint or information, in which action, bill, plaint or information, no wager of lawe essoigne or protection shalbe admitted or allowed.

¶ Prouided alway and be it enacted by the authoritie aforesaide, that this acte, nor any thi ng

thing therin contcined, shall not in any wyse extend to any lawfull obligation, indorced wt a condition, nor to any statute or recognisãce made & to be made, for the paymẽt of a lesser summe, so that the same obligatiõ, statute or recognisance, be made for a true, iust & perfit debt, or for the performance of anye other true couenaunts made or to be made, vpon a iust and true intent, had betweene ye parties other then in cases of vsury interest corrupt bargains, shifte or cheuisance, ne yet shall extende to any recouerie, fine, feoffement, release confirmation or graunt, made or to bee made vpon condition with a true intent, other thẽ to suche recoueries, fines, feoffementes, releasses, confirmations, and graunteS, as shal be made vppon condition, extending to vsurie, interest, corrupt bargaines, shifts or cheuisance: any thing in this estatute contened, or any lawe, statute or ordinance heretofore had, vsed or made to the contrary notwithstanding.

This act was repealed by a statute made Anno 5. Ed. 6. cap. 20. and thereby was prohibited and punished the lending, geuing, letting out deliuering or forbearing any summe &c. for any maner vsury encrease, lucre, gain, or interest to be had, receiued or hoped for &c. which statute is also repealed and this reuiued Anno. 13. Eliz. cap. 8. which followeth hereafter.

¶ In

Tenure.

¶An acte for Tenures holden in Capite, Anno.1.E.6.Cap.4.

¶Tenure.11.

Where before this tyme, ambiguities,questiõs,& doubts,haue ben moued & stirred in diuers & sũdry the kings courts of Record, whether such honours, castels, manors,lands,tenemẽts,& other hereditamẽts are holden of the king in Capite which any his louĩg subiectes do hold by knightes seruice,socage, or other seruices of the king,as of his Duchies, Earledoms, Baronies,honours,castels, manours,lãds, teneniẽts,fees,and seignouries, which haue come to the handes and possession of diuers of his highnes most noble progenitours, by attaindour of treason, misprision of treason, atteindours of Premunire, & prouision had & done by act of parliamẽt,by verdict,confession conuiction or vtlagary, & offices or no offices thereupon founde, or by the dissolution, surrender,or geuing vp to the king, or to any his noble progenitours, of any religious or ecclesiasticall houses or places, or of anye manours,landes, tenementes, and other hereditamentes,to any of the same religious or ecclesiasticall houses or places in anye wyse apperteining or belõging or no: By meanes of

of which doubt so incued, his sayde humble and obedient subiectes and tenauntes, haue ben heretofore muche vnquyeted, molested, and greeued: wherefore the kynge our soueraigne lorde, myndyng, and entierly desiring the quyetnesse of his said subiectes, and that the certaynte of his lawes in that behalfe might be knowen, and declared, to his sayde louing subiectes, for a plaine declaration and resolution, to bee had, of, for, and concerning the premisses, at the humble petition and suite of the Lords and commõs in this present parliament assembled, doth ordeine, declare, and enacte, by the assent of the Lordes spirituall and temporall, and of the commons in this present parliament assembled, and by the aucthoritie of the same, that all suche honours, castelles, manours, landes, tenementes, and other hereditamentes, and euerye of them, which nowe bee, or at anye time hereafter shall bee holden of the kyng, or of anye of his heires or successours, by anye of hys sayde subiectes, by knyghtes seruyce, socage, or otherwise, as of any of his or their Dukedomes, Earledomes, Baronies, Castels, manours, landes, tenementes, fees, or seignories, whiche bee come to the kynge or hys moste noble progenytours, or hereafter shall come to the kyng, hys heires or successoures, by meanes of anye suche attaynder, conuiction, vtlagarye,

or

or of any suche dissolution, surrender, or geuing vp of any religio⁹ or ecclesiastical houses or places, or of any manours, landes, tenements, or hereditaments, to any of the said religious or ecclesiasticall houses or places, in any wise belonging or appertaining, shall not from henceforth, bee adiudged, deemed, taken, or construed to any intent, construction or purpose, to be holden in Capite, or as Tenure in Capite, any ambiguitie, question, or doubt heretofore moued to the contrarye notwithstanding. | See a like matter in Magna charta. cap. 31.

¶ Prouided alwayes, and bee it enacted by the auctoritie aforesaide, that this acte or any thing therein conteined, shall not in any wise bee preiudiciall ne hurtfull to the king, his heires or successours, to, for, or concerning any wardship, liuerye, primer seasen, fine for alienation, or to, or for any other profit or aduauntage whiche nowe is come, or hereafter shall or may come, fall, or growe to the king, his heires or successours, by or from any persone or persones, whiche nowe doth, or hereafter shall holde anye honours, seignouries, castles, manours, landes, tenements or other hereditamentes of the kyng in chiefe, as of his persone, or of any other hys auncyent possessyons, and keyng not come to the kyng by anye suche attainder, confessyon, conuiction, vtlagarie, dissolution, geuing vp, or surrender, as bee aboue saide.

¶ Prouided

¶ Prouided alwaies, and be it enacted by the auctho̅itie afore̅saide, that this p̅sent acte, or any thing therein conteined, or spec̅ified, shal not in any wise, or by anie meanes geue anie aduauntage, libertie, or p̅fite to anie tenaunt or owner in fee simple, of anie honours, manours, landes, tenementes, or other hereditame̅ts, which haue heretofore sued any special or general liuerie, & Ouster le maine, out of the handes of the king, or of any his noble progenitours, of anie honors, manours, lands, tenements, or other hereditamentes, by what tenour or seruice they were, or be holden, or that haue, or shal, confesse, by anie maner of recorde, anie tenour in chiefe, of the kinge, but that they, their heires and assignes, shal haue and holde the same manours, landes, tenementes, and other hereditamentes, in like manner and fourme, as they did before the makinge of this p̅sent acte, and as though this p̅sent act had neuer ben had ne made, any thing aboue declared and enacted to the contrary notwithstanding.

Discontinuance of proces.

¶ An acte for the continuaunce of actions after the death of any king. an. 1. E. 6. cap. 7. Discontinuance of proces. 2.

FRom henceforth by the death, or demise of the kinges maiestie that now is (whose life almighty god long preserue, kepe and maintene in his most royal estate) nor by the death or demise of any that hereafter shalbe king of this Realme, any action, suit, bill, or plainte, now or that hereafter shall depend betweene partie and partie, in any of the courtes aforesaid. | Yp. the kings courtes, and other courtes of recordes, | shall not in any wise be discontinued, or put owt day. But that the processe, plees, demurres, and continuances in euery action, actions, suites, billes, or plaintes, which now or that hereafter shall depend, shall stand good and effectual, & be prosecuted & sued forth in such maner and fourme, and in the same estate, condition, and order, as if the same king had liued, or contynued in full life, the death or demise hereafter of anie king of this Realme notwithstanding.

¶ And that all and all maner of iudiciall processe that hereafter shall be had, or pursued in the time of the raigne of anye other kinge, then raigned at the time of the pursuite of the originall, or other former processe, shalbe made in the name of the kinge, that

that for the time shall raigne, and bee king of this Realme, and that variance touching the same processe betweene the names of ỹ kings shall not bee in anye wise materiall, as concerning anye defaulte to be alleged, or objected therefore.

¶ And also bee it further ẽstablished and enacted by thauctoritie aforesaide that all and euery Assise of nouel disseisin, Assise of mortdaunceſtour, Juris utrum, and attaint which at any time hereafter shalbe arraigned, commenced or sued before anye of the kinges Justices of Assise, shall not from henceforth bee discontinued or put without day, by reason of death, newe commission, association, or not comming of the same Justices of assise, or any of them, but shall stande good and effectuall in the lawe, to all intentes, constructions and purposes, the death, newe commission, association, or not comming of the same Justices, or any of them, in any wise notwithstanding.

¶ And ouer that, be it ordeined and enacted by the auctoritie aforesaide, that albeit any demaundant or plaintife in anye maner of action, bill, or suite, shall fortune to bee made, or created, Duke, Archbishop, Marques, Earle, viscount, baron, bishop, knighte, Justice, of the one benche or of the other, or Sergeaunt at lawe, dependinge the same action, byll, or suyte, yet that notwithstanding, that no writte, action, or suyte, shall for suche cause in anye wyse be

abatable or abated, but shall remeine in like force, goodnes, & strength, as the same was before, any lawe, or vsage to the contrary in any wise notwithstanding.

¶ And also be it ordeined and enacted by the authoritie aforesaide, that albeit anye persone or persones being Justice of Assise, Justice of Gaole deliuerie, or Justice of peace within any of the kings dominions, or being in anye other the kinges commissions whatsoeuer shall fortune to be made, or created Duke, Archbishop, Marques, earle, viscount, baron, bishop, knight, Justice of thone benche, or of the other, or sergeant at lawe, or shirife, yet that notwithstanding he and they shall remaine Justice and commissioner, and haue full power and authoritie to execute the same in like maner & forme as he or they might, or ought to haue done before the same.

¶ And be it ordeined and enacted by the authoritie aforesaide, that in al cases, where any persone or persones heretofore haue ben or hereafter shalbe founde guilty of any maner of treason, murder, manslaughter, rape, or other felonye whatsoeuer, for the which iudgement of death shoulde or maye ensue, and shalbe reprieued to prison without iudgement at that time geuen against him, her, or them so founde gilty, that those persons that at any time hereafter shal by the kinges letters patentes be assigned Justices to deliuer the gaole, where any such person or persons

sons founde giltye shal remayne, shall haue full power and authoritie to geue iudgement of death against such person so founde gilty & reprued, as the same Iustices (before whom suche persone or persones was, or were founde giltye) might haue done, if their commission of Gaole deliuerye had remained and continued in ful force & strength. And ouer that, that no maner of processe, or suite made, sued, or had before any Iustices of assise, gaole deliuerye, Oier and terminer, Iustice of peace, or other of the kinges commissioners shall ne in any wise bee discontinued by the making and publishing of anye newe commission or assotiation, or by altering of the names of the Iustices of Assise, Gaole deliuerie, Oier and terminer, Iustices of peace, or other the kinges commissioners, but that the newe Iustices of Assise, Gaole deliuerie, and of the peace, and other commissioners maye procede in euerye behalfe, as if the olde commissions, and Iustices, and commissioners had still remained and continued not altered.

Monasteries.

¶ An acte whereby certaine Chaunteries, colleges, free chappelles, and the possessions of the same, be geuen to the kinges maiestie. Anno. 1. E. 6. cap. 14.

¶ Monasteries. 13.

THe kinges most louing subiectes, the Lordes spirituall and temporall, and the commons in this present parliament assembled, cõsidering that a great part of superstition and errours in Christian Religion, hath ben brought into the mindes and estimation of men, by reason of the ignorance of their very true and perfite saluation, through the death of Iesus Christ, and by deuising and phantasying vaine opinions of purgatorie, and masses satisfactorie, to bee done for them, which be departed. The which doctrine and vaine opinion, by nothyng more is maintayned and vpholden then by the abuse of Trentalles, Chauntries, and other prouisions made for the continuance of the saide blindnesse and ignorance. And farther considering and vnderstandinge that the alteration, chaunge, and amendement of the same, and conuerting to good and godlye vses, as in erecting Grammer Scholes to the education of youth in vertue and godlinesse,

himselfe, the further augmenting of the Vniuersities, and better prouision for the poore and needie, cannot in this present Parliament bee prouided, and conuenientlie done, nor can not, ne ought to anie other manner personne be committed, then to the kinges highnesse, whose Maiestie, with, and by the aduise of his highnesse moste prudent counsaile, can and will moste wisely, and beneficiallie both for the honour of God, and the weale of his Maiesties Realme, order, alter, conuert, and dispose the same. And calling further to their remembraunce that in the Parliament holden at Westminster the xxx. yeare of the raigne of our late Soueraigne Lorde kinge Henrie the eight, father to our moste dreade and naturall Soueraigne Lorde the kinge that nowe is, sapit quarto. | It was ordeined, enacted, and established amongst other thinges, that all and singuler Colledges, free chappelles, Chauntries, hospitalles, Fraternities, Brotherheds, Guildes, and other promotions, mencioned in the saide former acte, had, or made to haue continuance in perpetuitie for euer, and then beinge, or that had, or ought to bee contributorie or chargeable to the payment of the firste fruites and tenthes, accordynge to the lawes and statutes in that behalfe had, and made, by what name, surname, degree, or condicō, they or any of them were founded, ordeined, established, erected, named, called

or knowen, and all and singuler the manſiõ houſes, mannours, orchardes, gardeines, landes, tenements, paſtures, woods, waters, rentes, reuerſions, ſeruices, commons, tithes pencions, porcions, churches, chappels, aduowſons, nominations, patronages, annuities, rights, intereſtes, entries, conditions, leetes, courtes, libertie, pruiledges, fraunchiſes, and other hereditamẽts whatſoeuer then appertaining, or belonging, or that did appertaine, or belonge, or were aſſigned, or appointed to any ſuch colledge, free chapell, chauntrie, hoſpitall, fraternitie, brotherhed, guilde, ſtipendarie prieſt, or other the ſayde promotions, or to anie of them, or accepted, knowen, or takẽ as part, parcel, or member of them, or of any of them: & to the ſaid colledges, chauntries, free chappels, hoſpitals, fraternities, brotherhed, guilde, ſtipendarie prieſtes, or other promotions, or to anie of them vnited or annexed, which betweene the fourth day of Februarie, in the xxviij. yere of the ſaid late kinges raigne, & the xvj. day of Decẽber in the xxxvij. yere of his graces raigne, by reaſon of any entrie, expulſiõ, bargaine, ſale, or feoffement, fine, & couerte, leaſe or other conueiance thereof made, were diſſolued, determined, or relinquiſhed by any of the waies, meanes, or conueiances, mencioned in the ſaid acte, or otherwiſe other then ſuch of them, as then were in the poſſeſſion of the ſaid late king, or that were graunted or aſſured by his licence, agreement, conſente

or

or letters patents, to any person or persõs or them had bene lawfully obtained, or recouered by anie persõ, by any former right, or title, without fraude or couine, or by the kinges licence, shal from henceforth by aucthoritie of the same former act, be adiudged and deemed, and also bee in the verie actuall and real possession and seyson of the sayde late kinge and of his heires and successours for euer, in as large and ample maner, as ỹ saide pryestes, wardens, masters, ministers, gouernours, rulers, or other incumbents, or any of them, or the patrõs, donours, or foũders of any of them at any time sithens the said fourth day of Februarie in ỹ xxvij. yere aforesaide, had, occupied, or enioyed, or them had, occupied, or enioyed the same, and as though all and singuler the saide colledges, chaintries, hospitals, free chappels, fraternities, brotherheds, guildes, and other the saide promotions, and the saide manoures, landes, tenementes, hereditamentes, and other the premisses, whatsoeuer they be, and euerie of them, had bene in the said former acte specially, particularly, and certainly rehearsed, named, and expressed, by expresse wordes, names, surnames, corporations, titles, and faculties, and in their naturall kinds and qualities: the said entries, expulsions, bargaines, sales, fines, feoffementz, recoueries, or other assurance, and conueiance whatsoeuer they were, had or made (except before in the former acte excepted) to the

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contrarie notwithstanding.

¶ And where also it was enacted & graū-
ted by the saide late king, by the sayde
former acte, that the same late kinge dur-
ing his natural life, might make and dy-
rect his commission and commissiōs vnder
his great seale, to entre into al and singuler
suche and as manie Chauntries, free chap-
pelles, hospitalles, colledges, and other the
promotions, mentioned in the saide former
acte, and into all and singuler such maners,
manssions, houses, meases, landes, tene-
ments, pastures, woodes, waters, rentes,
reuersions, seruices, possessions, and other
hereditamentes, whatsoeuer, or into anie
parte or parcell thereof in the name, seasō
and possession of all the hereditamentes, an-
nexed, vnited, belonging, or appertaininge
to anie Chauntrie, hospitall, free chappell,
colledge, fraternitie, brotherhed, guylde,
or other the saide promotions, or whereof
anie priestes, pronostes, gouernours, ru-
lers, or other incumbentes, of them, or a-
nie of them, by what name, surname, de-
gree, title, or corporation they, and euery of
them, or anie of them were founded, erec-
ted, ordeyned, established, named, called, or
knowen, then had or enioyed, or that here-
after shoulde haue, or enioye to the sayde
chauntries, hospitalles, free chappelles, col-
ledges, fraternities, brotherheddes, guyl-
des, or other the saide promotions, that then
were chargeable to the payment of the

first

firste fruites and tenthes: and all colledges that were chargeable, or not chargeable to the sayde payment of the firste fruites, and tenthes as is aforesaide, or to anie of them, as shoulde bee named, expressed and appointed in the saide commission, or commissions, and to sease and take the same chauntries, hospitalles, colledges, free chappelles, fraternities, brotherheddes, guildes, and other the said promotions, manours, landes, tenementes, and other the premisses, mencioned in the said commission or commissions, and in euerie of them, and euerie parte, parcell and member of the same into the kinges possession and handes, to haue and to holde the same to the saide late kinge, and to his heires and successours for euer, as by the sayde former acte amongst other thinges more at large appeareth. It is nowe ordeined and enacted by the kinge our Soueraigne lorde with the assent of the lordes and commons in this present Parliament assembled, and by the authoritie of the same, that all maner of Colledges, free Chappelles, and chauntries, beinge, being, or in Esse within fiue yeres nexte before the firste daye of this present Parliament, which were not in actuall and reall possession of the saide late king, nor in the actuall and reall possession of the king our soueraigne lord that nowe is, nor excepted in ye said former act in forme aboue saide, other then suche as

by

by the kinges commissions in fourme hereafter mentioned shalbe altered, transposed, or chaunged, and all manours, landes, tenementes, rentes, tithes, pensions, porcions, and other hereditamentes, and thinges aboue mentioned, belonging to them or anye of them, and also all manours, landes, tenementes, rentes, and other hereditamentes, and thinges aboue mentioned by any maner of assurance, conueiance, will, demise, or other wise, had made suffered, knowledged, or declared, geuen, assigned, limited, or apponted to the finding of any preist, to haue continuance for euer, and wherewith, or whereby anye preiste was sustained, mainteined, or fond within fiue yeres next before ye first daye of this present parliamēt which were not in ye actual & real possession of ye said late king, nor in ye actual & real possession of our souereigne Lord the king that nowe is, and also all annual rentes, profites, and emoluments at any time within fiue yeares next before the beginning of this present Parliament employed, paide or bestowed, towarde, or for the maintenaunce, supportation, or findinge of any stipendarie preiste, intending by anye acte or writing to haue continuance for euer, shall by the authoritie of this present Parliament, immediatly after the feast of Easter next comming, be adiudged and deemed, and also be in the very actuall and real possession and season of the king our souereigne Lorde and his heires, & successours for euer without

any

any office or other inquisition thereof to bee had or found, and in as large and ample maner and fourme as the priestes, wardens, maisters, ministers, gouernoures, rulers, or other incumbentes of them, or any of them, at any time within fiue yeres next before the beginning of this present parliament, had, occupied, or enioyed, or now hath, occupieth, or enioyeth the same, and as though all and singular the said Colledges, free Chappels, chaunteries, stipendes, salaries of priestes, & the said manours, landes, tenements, hereditaments, and other the premisses whatsoeuer they be, and euery of them, were in this present acte specially, particularly, and certainly rehearsed, named and expressed by expresse wordes, names, surnames, corporations, titles and faculties, & in their natures, kindes and qualities.

¶ And ouer that be it ordeined & enacted, by the authoritie of this present parliamẽt that where any manours, landes, tenementes, tithes, pensions, portions, rents, profits, or other hereditamentes, by any manner of assurance, conueyance, will, deuise, or otherwise at any time heretofore had, made, suffered, knowledged or declared, were geuen, assigned, or apointed, to, or for the maintenãce, sustentation, or finding of one priest, or of diuers priestes for terme of certaine yeres yet continuing, and that any priest hath ben maintained, sustained or found with ỹ same or with the reuennes or profits therof with

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in fine yeres last past that the kinge, from the saide feaste of Easter nexte commynge, shall haue and enioy in euery behalfe, for, and duringe all suche time to come, euerye suche and like thynges.tenements,hereditamentes, profites, and emolumentes, as the prieste or priestes ought, or should haue had for or toward. his, or their maintenaunce, sustenaunce, or finding, and for no lenger, or further time, nor for anye other profite, aduauntage or commoditie, therof to be taken.

¶ Prouided alway and it is ordained and enacted by the auctoritie of this present Parliament, that when and assoon as the time assigned, for the maintenaunce, sustentation, or finding of the prieste or priestes shall be expired and runne, that then it shall be lawfull to euery person and persones, to whom any manours, lands, tenementes, tithes, portions, pensions, rentes, and other hereditamentes, or any of them should haue belonged, or appertained, if the said former acte, and this acte had neuer bene had, or made, to enter into, take, perceiue, haue, and enioy ȳ same without any manner of lucry, Duller le maine, petitiō, or other suit to be made to the king, in like maner, forme and condition.to all intentes, constructions and purposes, as though the saide former acte, and this acte had neuer bene had, or made, and as thoughe the kinge had neuer had any season, or possession therof, any thinge

in

in the saide former acte, or in this acte, to the contrarye in anie wise notwithstanding.

¶ And be it ordeined and enacted by the authoritie of this present Parliament that the kinge our soueraigne Lord, his heires, and successours, from the saide feaste of Easter next comming, shall haue, holde, peeiue. and enioy for euer, all lands, tenementes, rentes and other hereditamentes, which by any maner of assurance, conueiaunce, wills, will, deuise or otherwise at any time heretofore had, made, suffered, knowledged, or declared, were geuen, assigned, or appointed, to go or be employed wholly to the finding or maintenaunce of anie annuersarie, or obite or other like thing, entente or purpose, or of anie light or lampe, in anie church or chappell, to haue continuaunce for euer, which hath ben kept or maintained within fiue yeres next before the said first day of this present parliament.

¶ And also that where but parte of the issues or reuenues of anie manours, lands, tenements, rents or other hereditamentes, hath by anie of the wayes & meanes aboue saide, ben geuen, assigned, or appointed to bee bestowed or employed to the findinge or maintenaunce of anie annuersarie or obite, or other like thinge, intente, or purpose, or of anie lighte or lampe in anye church or chappell, and to haue continuaunce for euer, that then our Soueraigne Lorde

the

the king shal from the said feast of Easter next comming for euer haue, perceiue, and enioy such summes of money, that in any one yere within fiue yere next before the first day of this present parliamēt hath ben expended and bestowed about the finding or maintenance of any such anniuersary, or obite, or other like thing, intēt, or purpose of any light or lampe, to him, his heires, & successors for euer, as a rent charge to be paied yerely at the feastes of saint Michaell the Archangell, and the Annunciation of our Lady Sainte Marie the virgine, by euen portions in the kinges courte of Augmentations, and reuenues of his crown, or in any other courte or courtes, as the kinge hereafter shal appointe. And that it shal be lawfull to our saide soueraigne Lorde the king, his heires and successors, for non payment of any such summe or summes of money, to distreine in the said manours, lands, and tenements of the issues and reuenues, whereof the saide annyuersary, or obite, or other like thing, or any such lighte or lamp was founde, sustreyned or maintemed. And that for lack of sufficient distresse, in or vpon any of the premisses, whereof any of the saide yerely rentes, or summes of money should be paide by the space of one monethe next after that any of the saide rents should be paid, and be not paid within the said moneth, that then it shalbe lawfull to and for our soueraigne Lord the king, his heires,

and

and ſucceſſours, by vertue of this preſent act to enter into, and to haue, and poſſeſſe, as much of the landes, tenementes, and hereditamentes whereof the ſayed rent, or rentes ſhoulde bee leuied, or payed, as the rent or rentes that ſhoulde bee leuyed, or payed out of the ſame, doth or ſhall amount or come to in yerely value, and the ſame landes, tenementes, and hereditamentes to holde and kepe, and to haue for our ſaid ſouereigne lorde the kinge, his heires and aſſignes for euer, or for ſuch eſtate as our ſouerayngne lorde the kinge, his heires, or ſucceſſoures, had, or ought to haue had, of, or in the ſayed rent or rentes.

And it is alſo ordeined and enacted by the authoritie of this preſent parliament, that our ſouereigne lorde ỹ king, ſhal from ỹ ſaid feaſt of Eaſter next comminge, haue, peruewe and enioy all and ſingulers ſuch ſummes of money, profites, commodyties, and emolumentes, which by vertue of any maner of aſſurayunce, conueiaunce, compoſition, will, deuiſe, or otherwiſe, heretofore, haue bene geuen, aſſigned, ſunutted or approued to haue continuaunce for euer, which in any one yere within fiue yeres next before the beginning of this preſent Parliament, haue bene payed, beſtowed, or employed, by any maiors of corporations, guildes, fraternyties, cõpanies, or felowſhippes of myſteries, or crafts, or any of them, being in England Wales, and other the kynges dominions, or

by the maisters, wardeines, gouernours, or other officers, or ministers, or by the maister, warden, gouernour, or other officer or minister of them, or any of them, toward, or about the finding, maintenance, or sustentation of any priest or priestes of any anniuersary or obit, lampe, light or lightes, or other like thing, as is aforesaied, to our said soueraigne lorde the kinge, his heires, and successours for euer to bee payed yerely, as a rent charge, at the feastes of Saint Michaell the Archangell, and the Annuntiacion of our Ladye, by euen portions, in the kinges court of Augmentations, and reuenues of his crowne, or in any other court, or courtes, as the kinge hereafter shall appoynt. And that it shalbee lawfull to our said soueraigne lorde the kinge, his heires and successoures, for non payement of any such summes, or summe of money, profite commoditye, or emolument, or for non payement of any of them to distreyne in all the manours, landes, & tenementes, of euery such craftes, corporations, guildes, fraternities, companyes or fellowshipps of mysteryes or craftes, or any of them, by whome, or by the maisters, wardens, gouernours or other officers, or ministers, or maister, warden, gouernour or minister, of the which any such summes or summe of money, profite commoditie or emolument, haue or hath bene payed, bestowed or employed: And that all and euery of the sayed summes of

money,

money, profites, commodities, and emolumentes, shall from the feast of Easter next comming, without any manner of inquisition or office to be had or found, be iudged and deemed to be in the actual and real possessiō of our said soueraigne Lorde the king, in like manner and fourme to al intents, constructiōs & purposes, as if the same had ben particularly and specially mencioned in this present act.

¶ And furthermore be it ordeined and enacted by aucthoritie aforesayed, that ỹ kinge our soueraigne Lorde, shall from the sayed feast of Easter next commynge, have, and enioy to him, hys heires and successours for euer, al fraternities, brotherheds & guildes, being within the realme of Englande and Wales, and other the kinges dompnions: and all manours, landes, tenements and other hereditamentes, belonging to them, or any of them, other then such corporatiōs, guyldes, fraternities, companies and fellowshipps of misteries or crafies, and the manours, landes, tenements and other hereditamentes perteyninge to the saied corporations, guildes, fraternities, companies, and fellowshipps of mysteries or crafies aboue mencioned) and shal by vertue of this act be iudged and deemed, in actuall and reall possession of our sayed Soueraigne Lord the kinge hys heirs and successours, from the said feast of Easter next comming for euer, wythout any inquisitions or office

thereof to be had or found &c. diuers things touching commyssions, for the suruey & disposition of the premisses.

¶ And also be it ordeined and enacted by thaucthority of this present parliamẽt, that our soueraigne lorde the king shal haue and enioy al such goodes, catteis, iewels, plate, ornaments, and other moueables, as were or bee the common goods of euery such colledge chauntrye, free chappell, or stipendary priest, belonging or annexed to the furniture or seruices of their seuerall foundations, or abused of any of the saied corporations, vn̄ abuses aforesaid, the property wherof was not altered nor chaūged before the eight day of December in the yeare of our lorde God M. D. xlvij.

And it is also ordeigned & enacted by thauctoritie of this present parliament, y al such debts & summes of money, as ought or shoulde without fraud or couin hereafter bee payed of the money or goods of any of the said colledges, due or payable by reaso of any contract, specialtie or promise, had or made before the same eight daye, shall truely and fully bee payed by the treasorer of the kinges court of thaugmentations and reuenues of his crowne, or by the treasorer or receiuer of any other court, to whych any of the premisses shalbe appointed of the kinges treasurer, being in his or their handes, with as conuenient spede as the same may be payed.

¶ Prouided

Prouided alwaies, and be it ordeyned and enacted by the auctho̅rity aforesaid, that this act or any article, clause, or matter co̅teyned in the same shal not in any wise extende to any colledge, hostell, or hall, beinge within eyther of the vniuersities of Cambridge and Oxforde, nor to any chauntrye founded in any of the colledges, hostelles, or halles, being in the same vniuersities, nor to the free Chappell of Saint George the Martir, situat in the castle of Windsore, nor to the colledge, called saint Marye colledge of Wynchester, besides Winchester, of the foundation of Bysshop Wykham, nor to the colledge of Eaton, nor to the parish churche, commonly called the chappel in the sea in Newton, within the Ile of Ely, in the County of Cambridge, nor to any mannours, landes, tenementes or hereditamentes to them, or to any of them, pertaininge or belonginge, nor to any chappell made or ordeined for the ease of the people dwelling distaunt from the parishe churche or such like chappell, wherevnto no more landes or tenements, then the churchyarde or a litle house or close, doth belong or pertayne, nor to any cathedrall churche or colledge, where a Bishops sea is within this realme of Englande, or in Wales, nor to the mannours, landes, tenementes, or other hereditaments of any of them (other then to such chauntryes, obites, lightes and lampes, or any of them, as at any time within fyue

yeres next before the beginning of this pre-
sent parliamẽt, haue bene had, vsed, or main-
teyned, within the said cathedrall churches,
or within any of them, or the issues, reue-
nues or profits, of any of the said cathedrall
churches, to which chaũtries, obytes, lyghts
& lamps. it is enacted by the authoritie a-
foresaid, that this act shal extend.

¶ And it is ordeyned and enacted by the
authoritie aforesaied, that oure soueraigne
lord the king at any time during hys lyfe
(which God long preserue) may at his wil
and pleasure, alter and chaunge the name or
names, of all and singuler chauntries, and
the foundations of the same, being in any of
the colledges, hostelles, or halles of any of
the saied vniuersities, according as to hys
Godly wisedome shalbe thought mete and
conuenient.

¶ Chaunge to al and euery personne & per-
sons, bodies politike and corporate, their
heires and successours, and the heires and
successours of euery of them (other then the
maisters, wardens, ministers, gouernours,
rulers, visiters, incumbentes, fellowes, and
brethren of the saied Colledges, chaun-
tries, free chappels, and other the premisses
geuen, limytted or appoynted to the kinge
by this act: and the successours of them,
and euery of them, and other then such as
be, or pretende to ber foundours, patrones,
or donours of the premisses, or any of them,
or of any part or parcell therof, & the heirs
successours,

successours and assignes of euery, or ane of them: and other then such as bee, or were feoffees, reuocrees, conisees, graunt ees or deuisees of anie of the premisses, to, or for anie of the vses, purposes, or entents aboue mentioned, or to the vse of anie of the saide colledges, free chappels, chaūtries, or other the premisses, geuen, limitted or appointed by this act to the king, or to the entent to employ the rentes or profites thereof to the vse of maisters, rulers, incumbentes or ministers of them, or any of them: and other then such person and persones and bodies politike and corporate, their heires, successours and assignes, as claime or pretend to haue estate, right, title, interest, vse, possession or condition, of, in, or to the premisses or any part or parcel thereof, by reason of anie feoffement, fine, bargaine and sale, or by anie other wayes, meanes, or conueighance to them made, of any estate of enheritaunce without the saide late kinges licence, assent, consent or agreement, and without the licence, assent or agreement of the kynges maiestie that nowe is, by anie of the saide deanes, maisters, wardens, ministers, gouernours, rulers, priests or incumbents, or by ỹ foundors, donours or patrones of thē, or of anie of them, all such ryghte, tytle, clayme, possession, interest, rentes, annuities, commodities, commons, offices, fees, leases, liueries, liuings, pentions, portions, debtes, duties, and other profites,

which they or any of them lawfully haue, or of right ought to haue, or might haue had, in of, or to ane of the premisses, or in, of, or to ane part or parcel thereof, in such like manner, fourme and condition, to all intentes, respectes, constructions, and purposes, as if this act had neuer beene had nor made, and as though the sayde chauntries, colledges, and other the said promotions, had still continued and remayned in their full being: and sauing to all and euerie patrone, donour, foundour, or gouernour of anie such colledge, chauntrie, free chapell, stipendarie priestes, and other the premisses, geuen, ymitted, or appoineted to the king by this act and the donour, fundour, and geuer of the aforesayde landes, tenementes, or hereditamentes, to their or anie of them; or to anie vses, or purposes before mentioned, all such rentes, seruices, rentes seeke, rents charge, fees, annuities, profites, and offices: and also lease for terme of life, liues, and yeares, whereupon the accustomed rent, or more, is reserued, as they or anie of them lawfully had, perceiued, and enioyed, in, out, or of anie the sayd promotions, or out of any of the said landes, tenements, or hereditamentes before the first day of this present parliament.

And ouer that, it is ordeined &c. that those then liuing which had receiued any money for any of the premisses, should repay it, & of one clause & the premisses shalbe in the surney and order of the court of Augmentacio.

And

¶ And it is further enacted by auctho⁊ity afo⁊esaid, that if any of ꝯ said maisters, ꝯwardens, ministers, rulers, gouernours, paiesh incumbents, o⁊ owners of any such colledge chaunterie, free chappel, o⁊ of any the p⁊emisses, geuen, limitted, o⁊ appointed to the king by this act, o⁊ of anie of them, sithens the xvij. day of ꝟouember, in the seuen & thirtie yere of the reigne of the said late king hathe made any leasse vnder his ma, their cõmon seale o⁊ otherwise, fo⁊ terme of yeres, life, o⁊ lines, of their said colledges, chauntries, free chappels, o⁊ of other the same p⁊emisses, o⁊ of any part therof, o⁊ of any maners, landes, tenements, possessions, o⁊ hereditamentz, whatsoeuer they be, to them, o⁊ to any of them, vnited, o⁊ annexed, belõging o⁊ appertaining, vppon the which leasses, the vsuall and olde rentes and fermes accustomed to be yelden and reserued, o⁊ more, by the space of twenty yeres next before the said xvij. day of ꝟouembe⁊, not reserued & yelden, shalbe vtterlie voide and of none effect; and that all other leases and graunts heretofo⁊e made of any the p⁊emisses, geuen limitted, o⁊ appointed to the king by this acte, shalbe as good, auailable, and effectuall in the lawe to all ententes, constructions, & purposes, as if this act had neuer ben had, & made, any thing in this act, o⁊ anie other act heretofo⁊e had o⁊ made, to ꝯ cõtrary therof in anie wise notwithstanding.

¶ Pro⁊ided alwaies, & be it further o⁊-

dayned

deyned and enacted by the authoritie afore-
saide, that this act or any thing therein con-
teyned, shall not extend to anie manours,
landes, tenements, possessions or herdyta-
mentes, which the saide maisters, wardens,
ministers, chauntrie priestes, incumbentes,
or other the saide gouernours, officers, mi-
nisters or rulers of ỹ premisses, or of any of
thē, haith, or is, or hereafter shal haue or be
possessed, or seased of in fee simple, fee taild
generall, or speciall for terme of life, terme
of yeres or other wise, to his or their owne
proper vses, by enheritance or purchase: and
not being at anie time vnited or annexed, to
his or their saide colledges, free chappels,
chauntries, or other the premisses, geuen, li-
mitted or appointed to the king by this act:
nor shall extend to anie maners, landes,
tenementes, possessions, rentes, annui-
ties and yearely pention or pentions, or to
any yerely summe or summes of money, be-
ing not vnited, or parcell of any of the said
colledges, and other the premisses afore-
saide, or of anie of them heretofore geuen or
graunted by the saide late king, or geuen
or graunted, or hereafter to bee geuen or
graunted by the kyng our soueraigne lorde,
to anie of the saide deanes, maisters, war-
dens, ministers, chauntrie priestes, in-
cumbentes, gouernours or rulers of the
premisses, or of anie of them, for terme of
lyfe onely, vnder his great Seale of Eng-
lande, or vnder the seale of the court of the

Augmenta-

Augmentations & reuenues of the kinges crowne, or any other of ỹ kinges seales of any of his courtes: anie thing cõteined in this act, to the cõtrary in any wise not withstanding.

¶ Prouided alwaye, and be it enacted by the authoritie aforesaid, that alwel all and euerie patrone, donour, founder, and grauer of any of the said promotions or premisses, or grauer, donour, or founder of any their landes, tenẽtes, possessions, or other hereditamẽtes, as all and euerie person and personnes, bodies politike and corporate, which before the making of this act, lawfully without fraude or couin, had or enioyed anie manner of rent, or other yerely profites to be taken perceiued or had of anie chauntries, colledges, free chappelles, or other the premisses, graued, limitted or appointed to the kinge by this act, or out of anie manoures, landes, tenementes or other possessions of them, or anie of them, shal haue, and enioy the same, in like maner and fourme, as they should and ought to haue done, if the saydes colledges, chauntries, free chappels, & other the premisses graued, limitted or appointed to the kinge by this act, had still remained and continued in esse, and full being: anie thing in this act mencioned to the contrarie in anie wise notwithstanding.

¶ Prouided also, and be it enacted &c. a discharge of the sole rest frutes which after ỹ first day of this parliament shoulde growe due for the premisses.

¶ Prouided

Prouided alwais, & be it enacted by ye auctho̲rity afo̲resaid, ye al such rentz, seruices issues, p̲fits, & other sūmes of money payable vnto, or for any of the p̲mysses, or any of thē, in the kinges court of his Exchequer, shal continue, & be continually yerely leuied, charged, or paied in the same court in such maner & fourme as heretofore hath ben vsed any lawe, custome, vsage or possession in the kings highnesse, or other thing to the contrary notwithstanding: And as though the said p̲mocions, manours, landes, tenementes, and other the p̲mysses had not come to the kinges handes or possession

And be it further enacted by ye auctho̲rite aforesaid, that al & euery letters patētes made by the said late king Henry the eight, or by the kings maiesty ye nowe is, or hereafter to be made by his highnes, to any person or persons, or to any archbishop or bishop, of any of the said colledges, chauntries, free chappels, or other the p̲mysses, or any part or parcel of them, or of any landes, tenemētes or hereditamentz, belōging or appertaining, or that did belong, or appertaine to them, or to any of them: And all fynes, gifts, graūtes, feoffementes, recouueries, and all other assurances and conueyances therof had or made by the assent, consent, or lycence vnder the great seale of Englande, of the said late king Henry the eight, or of the kings maiesty that nowe is, to any person or per-

or persones, bodies politike or corporate, by any chauntry priest, maister, wardeine, minister, ruler, gouernour, or other hauing any of the saied promotions, of any of the saied colledges, chauntries, free chapels, or other the premisses, or of any of them, or of any part, parcell, or member of the same, shall stande and be in their force, and effects, and shalbee good and effectuall in the lawe, for such estates and interestes geuen, graunted, limitted, or appointed, in any of ỹ gifts, graunts, assurances, or conueighances therof had or made, according to their purportes, forme and maner, and according to the true entent and meaninge of the same assurances, and shalbe, by auctoritie of this act good, parfite, and stable, as well against the kinge, his heires and successours, as against the said chauntry priestes, wardeins maisters, rulers, gouernours, and other hauinge any of the saied promotions, and their successours, and the successours of euery of them: also agaynst the foundours, donours, and patrons of the same, and the ordinaryes of them, & euery of them, & the heires & successours of euery of them: any lawe, statute, ordinance, or other thing to ỹ contrary therof notwithstanding.

And where diuers and sundry bysshops, deanes, archdeacons, treasourers, prebendaries, chaunterie priests, maisters provosts rulers gouernours of any deanries, archedeanries: treasourorshipps, prebendes, free-

chappels,

chappelles, chauntryes or colledges, wythin this Realme of Englande, and other the kinges maiesties dominions, or any of the patrones, foundours, donours of any of the Wilhoprickes, treasourourships, deanryes, chauntries, free chappelles, or other the layed spirituall promotions, of their voluntarye willes or myndes, for diuers good and reasonable causes and considerations, by deede or deedes enrolled, or by other writinges of conueyaunces heretofore geeuen and graunted to the late kinge of famous memory Henry the eight, late kinge of Englande, and to his heires, or to our soueraigne lorde the kinge that nowe is, and to his heires, vpuers of their deanries, archdeanries, Treasourourships, Prebendes, chappelles, chauntries & colledges or any other ecclesiasticall or spirituall promotyons last before remembred, and all, or some part of the mannours, landes, tenementes, tythes, pencyons, annuyties, rentes, reuersions, and other reuenues, heredytamentes, possessions, emoluimentes and profites, to the same Wilhoprickes, Deanries, colledges and other lyke promotions, benefices, offyces and dignities, or to any of them belonginge, appertayninge, vnited, or annexed, by which the sayed Wilhops, deanes, archedeacons, treasourours, chauntry priestes, maisters, prouostes, rulers, gouernours, and other ecclesiastical or spirituall officers or ministers, or any of the sayd

patrons

patrones, donours or foundours, or any of them had, or enioyed in the right, or by reason of any of the same promotions, offices, or dignities.

¶ Be it enacted by the authoritie aforesaid, that al and euery giftes and graunctes heretofore made to the sayd late kinge, and to his heires, or to our soueraigne lorde the king that now is, and to his heires, by any Archebishop, Bishop, Deane, Archedeacon, treasourour, prebendarye, maister, prouost, gouernour or other the laied ecclesiastical or spiritual person or persons, or by any patrons, donour, or foundour of any of the said deanries, chauntries, or other of the said spiritual or ecclesiastical promotions, or of all, or any of the mannours, landes, tenementes, tithes, rentes, reuersions, pentyons, portions, annuities, or other hereditamentes, reuenues, emoluments, profites or commodities to any of the laied benefices, offices, prebendes, promotions or dignities belonging, appertening, united or annexed or which any of the same archbishops, bishops, deanes, archedeacons, treasourours, maisters, prouosts, prebendaries, rulers, gouernors, officers, or ministers, patrons, foundours or donours had or enioyed, or haue, or enioy, or ought to haue or enioy, in the right or by reason or meanes of any of the same promotions, offices, or dignities, shalbe good & effectual in the law, to al intents & purposes.

Sauing

Sauinge to al & euery person and persons, and bodies politike & corporate their heyrs, successours, & assignes, & to the heires, successours, & assignes of euery of them, other then the archbishops, bishops, deanes, archdeacons, treasourers, prebendaries, rulers, gouernours, wardens, prouosts, gouours, & graintours of any of the premisses, & their heirs, successours, and assignes, & other then such ecclesiasticall or spirituall persones, bodies politike or corporate, as are, or pretende to be foundours, donours, patrons, or ordynaryes of the premisses, or any of them) all such rightes, titles, interestes, claymes, entres, rentes, reuersions, remaynders, fees, offices, annuities, landes, tenementes, hereditamentes, profites, commodities, and emoluementes, as they or any of them haue or shoulde, or ought to haue had, of, in, or to the premisses next aboue mencioned, or any part thereof, as yf this Act had neuer beene hadde or made, any thinge in thys act to the contrary in any wyse notwithstandinge.

¶ Prouyded alwaies, that this act, or any thing therin contened, shall not in any wise extende to make good or effectuall, any gyft, graunt, bargaine, sale or alienation made by any prior, or vicar of their personages, or vicarages, or of any part or parcell therof, or of any thing to them, or any of them belonging or appertayning.

¶ Prouided also, y this act, or any thinge therin

therin contained, shall not in any wise extend to hinder or prejudice George Brooke knight lord Cobham, his heires or assignes, for, or concerning the late colledge of Cobham, in ỹ county of Kent, or the manours, landes, tenements or possessions therof, any thing above mentioned to the contrary in any wise notwithstanding.

¶ Provided also, and be it enacted, by the authoritie aforesaide, that this present acte or any thing therein contained shall in anye wise extende, or be prejudiciall or hurtfull to the generall corporacion of any Citye, Borroughe, or Towne, within this Realme, or anyother the kinges dominions, ne shall extende to any the landes, or hereditamentes, of them, or anye of them, any thing herein contained to the contrary in anye wyse notwithstanding.

¶ Provided also, and be it enacted by the authoritie aforesaide, that all suche of the saide colledges, free chappelles, chauntryes, and other the premisses, being appointed and geuen to the kings highnes, by ỹ authority of this acte, as be within the Duchy of Lancaster, and all manours, landes, tenementes, and hereditamentes, pertaining or belonging to the same colledges, free chappelles, and chauntries, shall after the saide feaste of Easter next comming, be within the survey and order of the court of the Duchy of Lancaster, in suche maner and fourme, as other the premisses bee assigned or appointed by

auctho̅ritie of this acte, to bee in the surueye and o̅rder of the courte of Augmentations and reuenues of the kinges crowne, or other courte by the kinge to bee assigned; and that all cō̅missioners, that hereafter shalbe awarded by vertue and force of this acte, concerning suche colledges, free chappelles, chauntries, and other the p̄misses, as be within the sayde Duchie of Lancaster, shall bee awarded vnder the great seale of Englande, and shall bee certified into the same court of the Duchye of Lancaster, anye thing aboue sayde to the contrary in anye wyse notwithstanding.

¶ Prouided alwayes, and bee it enacted by the auctho̅ritie afore saide, that this acte, ne any thing therein contained, shall extende to the Colledge, or chauntrey of Attilborough in the County of Norfolke, which the saide late king Henry the eight gaue to Robert, Earle of Sussex, and to his heires, but that Henry now Earle of Sussex, sonne & heire to the saide late Earle, his heires and assignes, shall and may by thauctho̅ritie of this acte, haue and enioy the saide colledge, and chauntrie, and al manours, landes, tenemēts, aduowsons, tithes, pentions, portions, and other hereditamentes, thereunto belonging or appertaining, any thing in this acte, to the contrary in anye wyse notwythstanding.

¶ Prouided alwaies, and by the auctho̅ritie afore sayde, be it enacted, that the kinges

Maiesty

Maiestie, at any time when it shall seeme to him good, may geue authority to certain his graces commissioners, to alter the nature and condition of all manor of Obites, aswel within the vniuersities of Cãbridge and Oxford, as in anie other place within this his graces Realme of England, and Wales, being not suppressed ne abrichilate by vertue of this present acte, and the same Obites so altered to dispose to a better vse, as to the relicte of some poore inẽ being students, or otherwise.

¶ Prouided also, and be it enacted by authoritie aforesaide, that it shall not be lefull to anie person or persons, bodies politike or corporate, by reason of anie remainder, vse, or condition, to enter into, claime, or challenge anye landes, tenements, or hereditaments, for the non doinge, not namynge, or non findinge of anye suche priestes, or priestes, or poore folkes, as is aforesaide. Obite, anniuersarie, light or lampe, from henceforth to be founden or done, anything herein contained to the cõtrary in anie wise notwithstanding.

¶ Prouided alwayes that this acte, nor anything therein contained, shall in anye wise extende to anye landes, tenementes, possessions or hereditamentes, whatsoeuer, that anie Byshop, Deane, Prebendarie, Warden or chauntrie, or anie stipendarie priest of anie colledge, chauntrie, prebende, fraternitie, guilde, or any other corporations

Kk.ij. haue

haue, or held of anie person or persones, by coppie of court roll, or at will, according to the custome of any manour or manors, nor geue or graunt anie copiehold landes to the kinges highnes.

¶ And also prouided that the kinges highnes, his heires or successours, shal not in anie wise haue, hold, enioy or take by vertue of this acte, or anie article therin contained, any maner of copiholde landes, tenements, possessions, or hereditamentes whatsoeuer they be, but that all and euery of the saide persones and incumbentes shall haue, hold, and enioy the same during their liues, towards their pension and yerely liuing, payinge the rentes, and doinge their customes and seruices therof due and accustomed, anie thing in this acte to the contrarye notwithstanding.

¶ Prouided that this acte shal not extend to anie landes, tenementes, or hereditamentes, assigned, appointed, or mencyed for the findinge or maintenaunce of any chauntrie priest, or stipendary priest, which by anye former right, and good title without fraud or couine, were lawfully recouered from the possession of any suche chauntrie priestes, or stipendarie priest, before the first day of October, the saide xxxvij. yere of the raigne of the saide late king Henry the eight, which landes, tenementes, and hereditamentes, were not charged, nor chargeable to the paiment of the perpetuall tenthe: any thing in

this

this acte to the contrary hereof notwithstanding.

¶ Prouided alwaies, and be it enacted by the auctoritie aforesaid, that all and singuler graunctes, licences, confirmations, and letters patentes, which our late soueraign Lord king Henry the eight, or our soueraigne Lord y king that now is, haue made vnder the great seale of Englande to any person or personnes, bodies politike, or corporate, of any colledge, chappel, or chauntrie, now being in esse, or standing, or now not being in esse, or not standing, or of any lordshippes, maners, landes, tenementes, and herditamentes, annexed, vnited, belonging, or appertayning to any colledge, chappell, or chauntrie now being in esse, or standing, or now not being in esse, or not standing, or of any other thing or things, mencioned, expressed, or conteined in any such graunt, licence, confirmacion or letters patentes, shall from henceforth be deemed taken, expounded, and adiudged good and effectuall in the lawe, according to the wordes, sentences, meaninges, ententes, fourme, and effectes of the same graunctes, licences, confirmacions, and letters patentes, to all intentes, constructions, and purposes, as if this acte, and the said acte made in the said xxvij. yere of the saide late king Henry the eight, had neuer bene had nor made: And that this acte, or the said acte made in the saide xxvij. yere of the raign of our said late soueraign lord king Henry the

eight, or anie clause, article, sentence or other thing therin contained, shall not extende to anie Colledges, chappels, chauntries, or other thing or thinges mentioned in this acte, now being in esse, or standing, or now not being in esse, or not standing, or to anie manours, landes, tenements, possessions, reuenues, or hereditamentes, annexed, vnited, belonging or appertayninge to anie colledge, chappell, chauntrie, or other thinge menconed in this acte now being in esse, or standinge, or now not beinge in esse, or not standinge, or to anie other thing or thinges, mencioned or expressed in this acte! Which anie person or parsones, bodies, politike or corporate, haue had or obtained by the assente, licence, confirmation, graunt, or letters patentes of the said late king, or of the kinges Maiestie that now is, nor shall extende to anie manours, landes, tenements, reuenues, possessions, hereditamentes, or other thinge or thinges, mencioned, expressed, or contayned in anie suche licence, confirmation, graunte, or letters patentes, but that euery suche person and persones, bodies, politike and corporate, their heires and successours and assignes, and the heires, successores and assignes of euery of them, shall haue, holde, and enioy, all and euery the saide colledges, chappels, chauntries, manoures, landes, tenementes, reuennes, possessions, and hereditamentes, and all and euery other thynge and thinges whatsoeuer so by them had

hadde or obtained, by the assent, licence, confirmation, graunt, or letters patentes of the saide late kinge, or of the kinges Maiestie that nowe is, according to the wordes, sentences, fourme, effect, meaning, and intent, of the same licences, confirmations, grants, and letters patentes, this acte, or the sayde act made in the said xxviij. yere of ỹ raigne of the said late kinge Henry the eight or anie clause, article, sentence, matter, or thinge mencioned, expressed, or contained in anie of the same actes, to the contrarie thereof in anie wise notwithstanding.

¶ Offices.

¶ An acte touching the finding of offices before the Eschetour. Anno secundo Edwardi 6. Cap. 8.

¶ Eschetours. 15.

WHere manie and diuers persons holding, or that haue holden lãds, tenements, or hereditamẽts some for tẽm of yeres, & some by copy of court rolle, haue ben expulsed & put owte of their termes and holdes, by reason of Inquisitions, or offices, founden before Eschetours, commissioners, and other, cõteining tenures

of the kinge in caput, entitling the kinge to the wardshippe or custodie of suche landes or tenementes, and sometime entitlinge the king to the same, upon attaindours of treason, felonie, or otherwise, by reason that suche leases for terme of yeares, or interest by copie of court rolle, of such persons have not bene found in such inquisicions or offices: after which expulsion or puttinge out, the said persons have bene without remedy, for the obteining of the said tenures & holdes, during the kings possession therein, and can have no Trauerse, Monstrance de droit, ne other remedie for the same, because their said interest, is but a chatel in the law or customarie holde, and no state of free holde. And also, where anie personne or persones hath any rent, common, office, fee, or other profite Appender, of anie state of free holde, or for yeares, or otherwise out of such lands, or tenementes specified in suche offices, or inquisicions the said rent, cõmen office, fee, or profite Appender, not found in the same office or offices, such personnes are in like maner without remedie, to obtayne or have the said rent, common, office, fee, or profite Appender, by anie trauerse, or other speedy meane without great & excesse charges, during the kinges interest therein, by force of such inquisition or office.

¶ For remedie whereof, be it enacted by authoritie of this present parliament, that where anie such office or inquisicions, is or

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shalbe founden, omitting such titles, interestes, or matters as is aforesaid, that in all such cases, euerie lessee, tenaunt for terme of yeres, or copyholder, and euerie such persone or persones, that haue or shal haue, anie interest to any rent, cõmon or profite Apprender for terme of yeres, life, or other wise, out of any of the landes, tenementes, or hereditamentes contained in such office or inquisition, where the king his heires or successors is or shall be intitled as is aforesaid, to anie such landes, tenementes, or hereditamentes, shall haue, holde, enioy, and peceiue, all and euerie their leases, and interestes, for terme of yeres, or by copy of court rolle, rents, cõmons, offices, fees, and profit Apprender, in suche maner, forme, state and condition, as they and euerie of them, shoulde or mighte, haue done, in case there had bene no such office or inquisition found, and as they should or lawfully might or ought to haue done, in case such lease, interest by copy of court rolle rent, common, office fee, or profite Appremder had bene founden in such office or inquisition, any lawe, custome or vsage to the cõtrary heretofore vsed in such cases, in anie wise notwithstanding.

¶ And also, where it is or shal be founden for the king, his heires or successours, that the heire or heires of his tenant, or tenantes is or shall bee within age, where in deede such heire or heires is, or shal be at the same time of full age, or of a more or greater age,

then

then is or shalbee conteined within suche office.

¶ Be it further enacted by the aucthoritie aforesaide, that in euery such case, such heire and heiras shal and may at his or their very full age, or after, prosecute {alias prosecute} a writte of Estate probanda, and sue hys or their liuerie, or Diuster le maine, as his or their cases shall lie, and haue the profits of his or their lands, tenementes, or hereditamentes, from the time of his or their verie full age, anie such untrue office or inquisition, or anie lawe or custome to the contrarie in any wise notwithstanding.

¶ Also where one personne or moe, is or shalt be founden heire to the kinges tenaunt by office or inquisitiõ, where any other person is, or shalt be heire, or if one personne or moe, be or shalbe founden heire by office, of inquisition in one countie, and another person or persons is or shalbe founden heire to the same person in another countie, or if any person be, or shalbe vntruely founden lunatique, ideot, or dead. Be it enacted by the aucthoritie aforesaide, that euerie person & persõs, greeued, or to be greeued by any such office or inquisition, shal and may haue his or their trauers to the same, immediatly, or after, at his or their pleasure, and proceede to trial therein, and haue like remedie and aduauntage, as in other cases of trauers vpon vntrue inquisitions or offices founden, anie lawe, vsage, or customs to the cõtrary in anie

wise

wise notwithstanding.

¶ Also where it is or shal be hereafter vntruely founden by office or inquisitions, that any person or persons attainted, or that shal be attainted of treason, felony, or præmunire, is or shalbe seised of any landes, tenementes, or hereditaments, at any time of such treason felony, or offence, committed or done, or at ane time after, whereunto ane other person or persons hath, or shal haue ane iust title or interest of any estate of freeholde, that then in euery such case, euery psō & persons greeued therby, shal haue his or their trauers, or Monstrans de droit to ye same, whyle being driuen to any petitiō of right, & like remedy & restitution, vpon his or their title, founde or iudged for him or them therin, as hath be accustomed & vsed, in other cases of trauerse although the kinges maiestie, his heires, or successours, be or shal be, in suche case entytled to any such landes, tenementes, or hereditamentes, by double matter of record, any lawe, custome or vsage to the contrary in ane wise notwithstanding.

¶ And further be it enacted by the authoritie aforesaid, that where any inquisitiō or office, is or shalbe founden, by the wordes or like. Quod dicit quod vel de quibus tenementa prædicta tenet sicut ptēd. ignorant, or els founden holde of ye king Per que seruic. ignorāt, or such like, ye in such case, such tenure so vncertenly foūde. De quo vel de quibus tenta prædict, tenent ignorant, shall not be taken for any

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immediatlie tenure of the king, nor such tenure so founden of the king. Per quæ seruicia &c. that shall not be take any tenure in capite, but in such cases, a melius inquirendo, to be aduerted as hath ben accustomed in old time, any vsage or matter of time to the contrarie notwithstanding.

¶ And be it further enacted by authoritie aforesaide, that where it is or shalbe found by any office, or inquisition, that any lands, tenements, or hereditamentes, are, or shalbe discended, remained, or commen to any heire within age, and in the kinges ward, or that ought to be in the kings ward, & that such lands, tenements, or hereditamentes are holde of the king immediatly, where in deede they are or shall bee holden of some other common person, and not of the kinge immediatlie: that in such case, such heire or heirs, shall & may haue their trauerse to the same liuerage, and like remedie and restitution vpon his or their title, founden or iudged for him or them therein, as hath ben accustomed & vsed in other cases of trauerses, anie lawe, vsage, or custome to the contrarie in anie wise notwithstanding.

¶ Also where the kings Maiestie by his Prerogatiue, ought to haue as well such landes and tenementes, as be holden of other psons, as holden of him selfe immediatly, whereof his tenant holding of himselfe in chiefe, dieth seised his heire being within age, vntil such time as liuery be sued by such heire

heire, and that the meane Lordes, of whom the lande other lands and tenements, of such heire be holden, vsed to spare the reuos due to them for the same landes or tenementes, holden of them during the kings possession. And when such heire hath sued his or their liuerye they vse by distresse, or otherwise to compell the said heire to pay to them the arrerages of such rentes, for such time as the saide landes or tenementes were in ỹ kinges possession by such minoritie; where they should haue sued by petition to the kinges maiestie, to haue obtained the same out of ỹ kinges hands, if they would haue the same which is to the great detryment, losse, and hinderance of such heire and heires. For redresse whereof be it enacted by the authority of this present parliament, that from henceforth, such meane Lordes, during suche minoritie shall haue, receiue, and take the sayde rentes by the handes of such the kings officers, as shalbe appointed to haue receiue, & take the issues, reuenues, and profites of the same landes, and tenementes, so holden of such meane Lordes, during the minority and wardnage of such heire and heires, and vntill such heire and heires sue his or their liuery, and that such heire and heires vntill suche tyme as he or they shall haue sued their liuery, or might conuenyently haue sued their liuerye, shalbe thereof clerely discharged. And that such officer or officers shall vppon requeste made, pay, the same to suche meane Lordes

(they

(they geuing to suche officer and officers, a sufficient acquitaunce, or acquytaunces, for the receipte of the same. And that suche payment thereof made with acquitaunce, or acquitaunces thereof shewed, shall bee to suche officers a sufficient discharge, against the kynges maiestie, and his heires vpon his or their accompte in that behalfe, any lawe, vsage or custome heretofore had, or vsed to the contrary hereof in anye wyse notwithstanding.

¶ Prouided alwayes, and it is enacted by the authoritie aforesaide, that this acte, or anye thinge therein contayned, shall not in any wyse extende to any inquisition or office taken or founden, at anye time before the xx. daye of March next comming, nor to hinder preiudice, or take awaye, the title, interesse, or possession of our Soueraigne Lorde the kinge, or of anye other persone or persones groweu, or commen by vertue, meane or occasion of anye inquisition or office taken, or founde before the same day, but that as well our saide Soueraigne lorde the kinge, as all other persone or persones, hauing anye title, interest, or possession, by vertue, meane, or occasion of any inquisition or office founde before the same daye, shall, and may haue, holde, and enioy the same in like maner and fourme, as though this acte had neuer bene had or made, any thing in the same acte to the contrary in any wise notwithstanding.

¶ Prouided also, and it is enacted by the

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auctho̅itie aforesayde; that in all such cases as anye persone or persones shall ber enhabled by this acte to haue anye trauerse; and shall pursue his or there trauers, that then he or they that shall pursue suche trauerse, shall sue one writ or seuerall writes of Scire facias (as the case shall require) against all & singuler such person and psons as shal haue interest by the kyng, or by his patente or patentes, in like maner and fourme as is requisite, vpon trauerses, or petitions heretofore pursued. And that in euery suche Scire facias; the patenters, or other defendauntes shall haue like pleas, and aduauntages, as they had in anye Scire facias, before this time awarded against anye patentee in anye case of petition. And also, ℣ vpon euery trauers ℣ shal be pursued by vertue or mean of this act, in suche case as the partie or parties that shall pursue any suche trauers, shoulde by the order of the common lawes of this Realme, haue bene put to sue by petition to the kinge, there shalbe two writes of serche graunted in maner & fourme, as like writes haue ben graunted vpon petitions made to the kinge.

¶ Prouided also, and it is enacted by the auctho̅itie aboue said, that if after any iudgement shalbe geuen vppon anye trauers, that shalbe tended, or saed by vertue or meane of this acte, it shall appeare by any matter of recorde, that the kyng hath anye other former title, right, or interest to the manours, landes,

landes, tenementes, or other hereditamentes, mentioned in the same trauers, that then the same title, right, and interest, shalbe saued to the kinge, the saide trauers and iudgement thereupon geuen, in any wise notwithstanding.

¶ Tithes.

¶ An acte for payment of Tithes.

An. 2. E. 6. cap. 13.

¶ Tithes. 10.

WHere in the Parliament holden at Westminster the viij. daye of Februarie in the xxvij. yeare of the raigne of the late kinge of moste famous memorye kyng Henry the eight. [cap. 20. Tithes. 5.] there was one acte made, concerning payment of tithes prediall and personall. And also in an other Parliament holden at Westminster the xxiij. daye of July in the xxxij. yere of the reigne of the said late king Henry the eight, [cap. 7. Tithes 8.] An other acte was made concernmg true payment of tithes and offerings, in which seuerall actes. many and diuers thyngs be omitted and left out, which were conuenient and very necessarie to ber added to the same: In consideration whereof, and to thintent the sayde tithes may bee hereafter truelye payde, according to the minde of the makers of the saide acte: Be it ordeined and enacted by the king our soueraigne Lorde, with the assent of the

Lordes

lordes spirituall and temporal, and the commons in this present parliament assembled, & by thauctoritie of the same, that not onely the said actes made in the said xxvij. and xxxj. yeres of the raigne of the said late king Henry the eight, concerninge true paimēt of tithes, and euery article, and thaunciē there in contened, shall abide and stande in theire full strength and vertue, but also bee it further enacted by thauctoritie of this present parliament, that euery of the kings subiectes shal from henceforth truely and iustly with out fraude or guyle, deuide, set out, yelde and pay, al maner of their predial tithes, in their proper kind, as they rise and happen, in such maner & fourme, as hath bene of right yelded and payd within forty yeres next beefore the making of this act, or of right or custome ought to haue bene paied. And that no person shal from henceforth, take or cary away any such or like tithes, which haue bene yelded or paied within the said forty yeares, or of right ought to haue bene paied, in the place or places tithable of ỹ same, beefore he haue iustly deuided or set forth for the tithe therof, the tenthe part of the same, or otherwise agreed for ỹ same tithes, with the parson, vicar, or other owner, proprietorye, or fermour of the same tithes vnder the paine of forfaiture of treble value of ỹ tithes so taken or caried away.

And be it also enacted by the auctoritie aforesaid, that at al times whensoeuer, and

as often as the said predyall tithes shal bee due, at the tithing time of the same, it to be lawfull to euery ply to whom anye of the saied tithes ought to be payed, or his deputy or seruant, to viewe & see their said tithes to bee iustly and truely set forth and seuered from the ir. partes, and the same quietly to take and cary away. And if any personne cary away his corn or hay, or his other predial tithes, before the tithe thereof bee sett forth, or willingly withdraw his tithes of the same, or of such other thinges, whereof predial tithes ought to be paied, or do stopp or let ỹ parson, vicar, proprietory, owner or other their deputies or fermours, to viewe, take, & cary away their tithes as is aboue saied, by reason wherof the saied tithe or tenthe is lost, impaired, or hurt, that then vpon due proofe thereof made, before the spiritual iudge, or any other iudge, to whom heretofore he might haue made complaynt, the party so carying away, withdrawing, letting or stopping, shal pay the double value of the tenth or tithe, so taken, lost, withdrawen or caried away, ouer and besides ỹ costes, charges and expẽces of the suit in the same, the same to be recouered before the ecclesiasticall iudge, according to the kynges ecclesiasticall lawes.

¶ And be it further enacted by thauctho-rithe aforesaied, that all and euery personne which hath or shal haue any beasts, or other cattel tithable, going, feeding, or depasturing

in

in any waſt or common grounde, wherof ỹ parſhe is not certainely knowen, ſhall pay their tithes for the increaſe of the land cattel ſo going in the ſaid waſt or common, to the perſon, vicar, proprietory, portionary, owner or other their termors or depūties of ỹ pariſh, hamlet, towne, or other place, where the owner of ỹ ſaid cattel inhabiteth or dwelleth

¶ Prouided alwaies, and be it enacted by thauctority aforeſaid, that no perſon ſhalbe ſued, or otherwiſe compelled to yeld, geue, or pay any maner of tithes, for any mannours, lands, tenemēts, or hereditamētes, which by ỹ lawes & ſtatutes of this realme, or by any priuiledge or preſcription, are not chargeable with the payment of any ſuch tithes, or that be diſcharged by any compoſition reall. | See before 31. H. 8. ca. 13. |

¶ Prouided alwaies, and be it enacted by thauctority aforeſaid ỹ al ſuch barrē heath or waſt ground (other then ſuch as bee diſcharged for the payment of tithes by act of parliamēt) which before this time haue lyen barrē & paid no tithes by reaſō of ỹ ſame barrennes, & now be, or hereafter ſhalbe improued & conuerted into arrable groūd or medowe, ſhal from henceforth, after thend and terme of vij. yeres next after ſuch improuement, fully ended & determined, pay tithe for the corne & hay growing vppon ỹ ſame: any thing in this act to the contrary in any wiſe notwithſtanding.

¶ Prouided alwaies and bee it enacted by

the auctho̅itie afo̅resaied, that if any such barren, waſt, o̅r heath grounde, hath beefo̅re this time ben charged with the payment of any tithes, and that the ſame bee hereafter impro̅ued and conuerted into arrable grou̅d o̅r medow, ꝑ then ꝑ owner o̅r owners ther-of, ſhal during vij. yeres next following, fro̅ and after the ſame impro̅uement, pay ſuch kind of tithe as was payd for the ſame be-fo̅re the ſaied impro̅uement: any thinge in this act to the contrary, in any wiſe not-wi-ſtandinge.

¶ And bee it alſo further enacted by auc-thoritie afo̅reſaid, that euery ꝑſon exerciſing merchā̃diſes, bargaining & ſelling, clothing, handicraft, o̅r other arte o̅r faculty, beynge ſuch kinde of perſons, and in ſuch places as heretofo̅re within this xl. yeres haue accuſ-tomably vſed to pay ſuch perſonall tythes, o̅r of right ought to pay, other then ſuch as ben common day labo̅rers, ſhall yerely at o̅r befo̅re the feaſt of Eaſter, pay for his perſo-nal tithes, the x. part of his clere gaines, his charges and expenſes, acco̅rdinge to his eſ-tate, condition, o̅r degree to be therin abated allowed, and deducted.

¶ Prouided alwaies, and bee enacted, that in al ſuch places, where handy craftes me̅ haue vſed to pay their tithes within this xl. yeres, the ſame cuſtome of payment of tithe to be obſerued, & to cō̃tinue: any thing in this act to the contrary notwithſtanding.

And bee it alſo enacted by the auctho̅rity afo̅re-

foꝛeſaid, that if any perſon refuſe to pay his perſonal tithes in ſourme aforeſaid, that thē it ſhalbe lawfull to the oꝛdinary of the ſame dioces, where ꝑ party (that ſo ought to pay the ſaid tithes) is dwellinge, to cal the ſame party beforе him, & by his diſcretion, to examine him by all lawfull & reaſonable meanes, other then by the parties owne coꝛporate othe, concerning the true payment of ꝑ ſaid perſonal tithes.

¶ Pꝛouided alwaies, and be it enacted by the aucthoꝛity aforeſaid, that al & euery perſon & ꝑſons, which by the lawes oꝛ cuſtomes of this Realme, ought to make oꝛ pay their offrings, ſhal yerely frō henceforth, wel and truely content & pay, his oꝛ their offrings, to the perſon, vicar, ꝓpꝛietoꝛy, oꝛ their deputies oꝛ fermers of ꝑ pariſh oꝛ pariſhes where it ſhal foꝛtune oꝛ happen him oꝛ them, to dwel oꝛ abide: & that at ſuch foꝛmer offringe dates, as at any time heretofoꝛe within the ſpace of iij. yeres laſt paſt, hath bene vſed & accuſtomed foꝛ ꝑ paiment of ꝑ ſame, & in default thereof, to pay foꝛ their ſaid offrings at Eaſter then nexт followyng.

Pꝛouided alſo, & be it enacted by the aucthoꝛitie aforeſaid, that this act oꝛ any thing therin conteined, ſhal not extende to any pariſh, which ſtands vpon, & towardes the ſea coaſtes, the cōmodities & occupying wherof conſiſteth chiefly in fiſhinge, & haue by reaſō thereof, vſed to ſatiſfie their tithes by fiſh, but ꝑ al & euery ſuch pariſh & pariſhes ſhall

hereafter pay their tithes, accordinge to the lawdable customes, as they haue heretofore of auncient time, within this xl. yeres, vsed and accustomed, and shall pay their offrings as is aforesaid.

Prouided alwaies, & be it enacted by the authoritie aforesaid, þ this act, or any thing therin conteined, shal not extend in any wise to the inhabitaunts of the citty of London & Caunterbury, & the suburbs of the same, ne to any other towne or place, that hath vsed to pay their tithes by their houses, otherwise then they ought or shoulde haue done before the making of this act: any thing conteyned in this act, to the contrary in any wise notwithstãding. [See 27. H. 8. ca. 21. & 37. H. 8. cap. 12. and the decree thereupon in the collection of statuts. Tithes 6. & 9.]

¶ And bee it further enacted by the authoritie aforesaid, that if any person do subtract, or withdraw any maner of tithes, obuentions, profites, cõmodities, or other duties before mencioned, or any part of them, contrary to the true meaninge of this act, or of any other act heretofore made, that then the party so subtractinge, or withdrawing the same, may or shal be conuented and sued in the kinges ecclesiastical court, by the partie from whom the same shalbee subtracted or withdrawen, to thintent the kings iudge ecclesiasticall shall and may then and there heare & determine the same accordinge to the kinges ecclesiastical lawes. And that it shal

not

not be lawfull vnto the person, vicar, ꝑpri-
etorie, owner, or other their fermours, or
deputies, contrary to this act, to consent or
sue such withholder of tithes, obuentiõs, or
other duties aforesaide, before anie other
iudge, then ecclesiasticall: And if any arch-
bishops, bishops, chancellor, or other Iudge
ecclesiastical, geue any sentence in the fore-
saide causes of tithes, obuentions, profites,
emoluments and other duties aforesaid, or
in any of them (& no appeale ne prohibition
hanging) the party cõdemned do not obey
the said sentence, that then it shalbe lefull to
euery such iudge ecclesiasticall, to excõmuni-
cate the said party, so as afore condemned,
& disobeying, in ꝓ wohich sentence of excom-
munication, if the said party excõmunicate
wilfully stand and endure still excommuni-
cate, by the space of forte dayes next after,
vpon denunciation & publication thereof, in
the parish churche, or the place or parish,
wohere the party so excommunicate is dwel-
ling or most abiding, the said iudge eccleasi-
tical, may then at his pleasure signifie vnto
the king into his court of chauncerie, of the
state and condition of the saide partie so
excommunicate, & thereupon to require pro-
cesse De excommunicato capiendo, to be award-
ded against euery such person as hath bein
so excommunicate.

Be it further enacted by ꝓ authoritie a-
foresaid, that if any party at anie time here-
after, for any matter or cause before reherse

limitted or appointed by this act, to be sued or determined in the kinges ecclesiasticall court, or before the ecclesiasticall Iudge, do sue for anie prohibition in anie of the kinges courts, where prohibitions before this time haue been vsed to be graunted, that then in euery such case, ỹ same party before any prohibition shalbe graunted to him or thē, shall bring & deliuer to the handes of some of the Iustices or Iudges of ỹ same court where such party demaunded prohibition, the very true copy of the libell, depending in the ecclesiasticall court, concerning the matter, wherefore the party demaundeth prohibition, subscribed or marked with the hande of the same party, and vnder the copy of ỹ said libel, shalbe written the suggestion wherefore the party so demaundeth the said prohibition: and in case the said suggestiō, by two honest and sufficient witnesses at the least, be not proued true in the court, where the said prohibition shalbe so graunted, within fiue moneths next following after the said prohibition shalbe so graunted and awarded that thē the party that is letted or hindered, of his or their suite in the ecclesiastical court by such prohibition, shal vpon his or their request & suite, without delay haue a cōsultation graunted in the same case in ỹ court, where the said prohibition was graunted, and shall also recouer double costes and dāmages against the partie that so pursued ỹ said prohibition, the said costes and dāmages

ges to be assigned or assessed by the court, where the said consultation shalbe so graun-ted, for which costs and dāmages, the par-ty to whom they shalbe awarded, may haue an action of debt, by bill, plaint, or infor-mation in any of the kinges courtes of record, wherein the defendaunt shall not wage his or their law, nor haue any essoigne or pro-tection allowed or admitted.

¶ Prouided alwaies and be it enacted by the auctheritie aforesaid, that this act or any thing therein contained, shall not extend to geeue any minister or Iudge ecclesiastical, any iurisdiction to holde plee of any matter, cause or thing being contrary or repugnant to, or against the effect, intent or meaninge of the statute of Westminster secunde, the .6. Chapiter, the statuts of Articuli Cleri, circu-specte agatis, Sawcedus, & treatise, De regia pro-hibitione nor against the statut of Anno primo Edwardi tertij the tenth Chapiter, or anie of them, nor yet hold plee in any matter, wher-of ye kings court of right ought to haue iu-risdiction, any thing herein contained to the contrary in any wise not withstanding.

¶ Prouided neuertheless, where hereto-fore such a custome hath ben in many parts of Wales, that of such cattel and other goods as hath ben geuen with the mariage of any person, there tithes haue ben exacted and le-uied by the persons & curates in those parts which custome being dissonaunt from any part of this realme, as it seemed when the

laide

layd countrey of Wales, was through ciuil discention vncaulted, for want of other sufficient profits, that might otherwise growe to the curates and ministers there, to haue ben for that time tollerable, so now the countrey being well manured and hasoanded, & that tithe is duelie payde there, of corne, haye, wooll and cheese, and of other increase of all maner of cattell, as it is commonlie in all other partes of this realme, & laine customs seemes to bee greeuous and vnreasonable, specially where the benefices are els sufficient for the findinge of the saide ministers and curates, that it bee therefore enacted by the authoritie aforesaide, that from and after the first day of May next comming, no such tithes of mariage goods be exacted or required of anie person within the saide dominō of Wales, or marches of the same: anie thinge in this acte conteyned, or anie other acte, custome, prescription, had or made to the contrarie hereof notwythstanding.

¶ An act for the limitation of prescription in certaine cases made in the second session of the first parliament. 1. M. Cap. 5.

¶ Limitation. 2.

The saide former act made in the layde xxxj. yere of the raigne of the layde late kīg hēry | which is before. 32. H. 8. ca. 2.

Limitation. 3.

Limitatiō. 3. for any article, clause, sentence, or matter therein conteined, shal not extend to any writ of right of aduowson, Quare impedit, or assise of darreine presentmẽt, or Iure patronatus, nor to any writte of right of ward, writ of rauishment of warde, for the wardship of ỹ body, or for the wardship of any castels, honors, maners, lands, tenãts, or hereditamẽtes, holden by knightes seruice nor to the seyser of the wardship of the body of anie warde or wardes, or to the seyser or wardship of anie castels, honours, maners, landes, tenements, or hereditaments holden by knightes seruice, but that all and euerie person and persons, bodies politique and corporate, their heires and successours, the heires and successours of euery of them shall and may haue, maynteine, and pursue all and singuler the saide writtes of right of aduowson, Quare impedit, assise of darreine presentmẽt, iure patronatus, writtes of right of warde, rauishment of ward, and also cease the wardship both of the body, and of the castels, honours, maners, landes, tenements, & hereditamẽts, holden by knights seruice, in like maner & fourme, to al intents constructions, & purposes as they or anie of them should or might haue done, made, or pursued before ỹ making of ỹ said act made in the said xxvj. yere [cap. 2. as though the same acte had neuer ben had or made: anie thing in the said former act to the contrarie notwithstanding.

¶ In

Fraudulent deedes,

¶ An act against Fraudulent deedes, giftes, grauntes, alienations, &c. Anno 13. El. Cap. 5.

¶ Fraudulent deedes. ¶.

FOr the auoyding and abolishing of faigned, couenous and fraudulent feoffemēts, giftes, grauntes, alienations, conueiaunces, bondes, suites, iudgementes, and executions, aswell of landes and tenementes, as of goodes and catteiles, more commōly vsed and practised in these dayes, then hath beene seene and heard of heretofore; which feoffementes, giftes, grauntes, alienations, conueyaunces, bondes, suites, iudgementes, and executions, haue beene, and are deuised and contriued of malice, fraude, couin, collusion or guyle, to the ende, purpose, and intent, to delay, hynder, or defraude creditours, and others of their iust and lawfull actions, suites, debtes, accomptes, dāmages, penalties, forfaitures, heriots, mortuaries, and reliefes, not only to the let or hinderance of the due course and execution of lawe and iustice, but also to the ouerthrowe of all true and plaine dealinge, bargayning, and cheuisaunce, betweene man and

and man, without the which noe common wealth or ciuil societie can be mainteyned or continued: Be it therefore declared, ordeined, and enacted by auctholitie of this present parliament, that all and euery feoffement, gift, graunt, alienation, bargaine, and conueiance of landes, tenementes, hereditamentes, goodes, and catteiles, or of any of them, or of any lease, rent, common, or other profit or charge out of the same landes, tenementes, hereditamentes, goodes, and catteiles, or any of them, by writinge or otherwise: and al and euery bond, suit, iudgment, and execution, at any time had or made sithence the beginninge of ỹ Maiesties Maiesties raigne that nowe is, or at anye time hereafter to be had or made, to or for any intent or purpose before declared and expressed, shalbe from henceforth deemed & taken (onely as against that person or persons his or their heires, successours, executours, administratours, and assignes, and euery of them, whose actions, suites, debts, accõpts, dãmages, penalties, forfaitures, heriots, mortuaries, & reliefes, by such guylefull, couenous, or fraudulẽt deuises & practises as is aforesaied, are, shall, or mought be in anye wise disturbed, hindred, delaied, or defrauded) to be clearely and vtterly voide, frustrate, & of none effect: any pretence, colour, fayned consideration, expressing of vse, or any other matter or thynge to the contrary, notwith-

notwithstanding.

¶ And bee it further enacted by thauctoritie aforesayed, that al and euery the parties to such fayned, couenous, or fraudulent feoffement, gyft, graunt, alienation, bargayne, conueyance, bonds, suits, iudgemēts, executions, and other thinges before expressed, or being priuie & knowing of the same, or any of them, which at any tyme after the tenth day of June nexte comminge, shal wittingly and willingly put in vre, auowe, maintaine, iustifie, or defende the same, or any of them, as true, simple, and doone, had, or made, bona fide and vpon good consideration: or shall alien or assigne any the landes, tenementes, goodes, leases, or other thinges beefore mencioned, to hym or them conueied, as is aforesaied, or any part thereof, shal incurre the penaltie and forfaiture of one yeares value of the sayed landes, tenementes, and hereditamentes, leases, rentes, commons, or other profits, of or out of the same, & the whole value of the saied goodes and cattelles, and also so much money, as are or shall be contained in any such couenous and fayned bonde: the one moytie whereof to be to the Queenes Maiestie, her heires and successours, & thother moytie to the partie or parties greeued by such fayned and fraudulent feoffement, gyfte, graunt, alienation, bargaine, conueyaunce, bondes, suits, iudgements, executions,

condicions, leases, rentes, commynes, profites, charges, and other thinges aforesaied, to bee recouered in any of the Queenes courts of recorde, by action of debt, byll playnt, or information, wherein none essoigne, protection, or wager of lawe shalbe admitted for the defendant or defendãts & also being therof lawfully conuicted, shal suffer imprisonment for one halfe yere without baile or mainprise.

¶ Prouided alwaies and be it further enacted by ỹ auctheritie aforesaied, that where as sundry commen recoueries of landes, tenementes, and heredytamentes, haue heretofore ben had, and hereafter may bee had agaynst tenaunt in tayle, or other tenaunt of the freeholde, the reuersion or remaynder, or the ryght of reuersion or remaynder then beeinge in any other personne or personnes, that euery such common recouerye heretofore had, and hereafter to be had of any landes, tenementes, or hereditamentes, shall as touchinge such personne and personnes, whych then had any remainder or reuersion, or ryght of remainder or reuersion: and against the heires of euery of them, stand, remaine, & be of such lyke force and effect, & of none other, as the same should haue bene, if this act had neuer ben had ne made.

¶ Prouided alwaies, & be it further enacted by thauctheority aforesaied, that this act

act,or any thing therein contened, shall not extende to make voide any estate or conueiaunce, by reason whereof any person or persons shal vse any voucher in any writte of Forme downe now depending,or hereafter to be depending,but that al & euery such vouchers in any writ of Forme downe shal stãd and be in like force and effect,as if this acte had neuer bene had ne made:any thing before in this act contained to ỹ contrary notwithstanding.

¶ Prouided also,and be it enacted by the aucthoritie aforesaied, that this act,or anye thinge therein conteyned,shal not extend to any estate or interest in landes,tenementes, herditaments,leases,rents,commons,profits,goods,or cattells,had,made, conueyed, or assured,or hereafter to be had,made, conueied,or assured,which estate or interest, is or shalbe vpon good consideration,& bona fide lawfully cõueied,or assured to any persõ or persons,or bodies politique or corporate, not hauing at ỹ time of such cõueiãce or assurance to them made,any maner of notyce or knowledge of such coun,fraud,or collusion,as is afore said:any thinge before mẽcioned to ỹ contrary hereof, notwithstanding.

¶ This act to endure vnto ỹ ende of the first session of the next parliament,& An.14. El.ca.4.cõtinued vnto the ende of the next parliament.

¶ In

¶ An acte that the exemplificarion or conſtat of letters patents, ſhal be as good and auailea-ble as the letters patents them ſelues.

Añ. 13. Eliz. cap. 6. Grauntes. 3.

FOr ꝑ auoidig of al ſuch doubtꝫ, queſtiõs, & ambiguities, as heretofore haue riſen and bene moued, & of ſuch as hereafter might riſe and be moued, in & vpon ꝑ ſtatute made in ꝑ parliamẽt begunne & holde at weſtminſter the iiij. day of Nouember, in the third yere of the raigne of our late ſouereigne lord king Edward the ſixt, entituled an act concerning graunts and giftes, made by patentees out of letters patẽts, | which is 3. E. 6. ca. 4. Grauntes 2. | and for a due and ful ſupply of al ſuch wantes as may be thought to be therein: Be it enacted & declared by the aucthoritie of this preſent parliamẽt, that al & euery patentee & patẽtees, their heires, ſucceſſours, executours, & aſſignes, & al and euery other perſon & perſons, hauige by, or from them or any of thẽ, or vnder their title, any eſtate or intereſt, of, in, or to any landes, tenementes, or hereditamẽtꝫ, or any other thing whatſoeuer, to ſuch patentee or patentees heretofore graũted by any letterꝫ patents, either of ꝑ moſt famous princes kiñ Hẽry ꝑ eight, king Edward ꝑ ſixt, Queene Mary, kiñ Philip & Queene Mary, or by any of thẽ, or by the Queenes moſt excellent Maieſty that nowe is, or any time ſithence the iiij. day of Februarie, in the

xxbij. yere of the raigne of the said late king hēry the eight, or els by ỹ Queenes Maiestie that now is, her heires or successours, at any time hereafter to be graunted, shall and may at al times hereafter, in any of ỹ Queenes highnesse courts, her heires, or successours, and els where, by the authorite of this present act, make & conuey, & be allowed & suffered to make & cōuey, to & for him, thē & euery of them selues, such claime, or title, by way of declaratiō, plaint, answere, barre, replicatiō, or other pleading whatsoeuer, aswel against the Queenes highnes her heirs, & successours, & euery of thē, as against al & euery other pson & persōs whatsoeuer, for or concerning the lands, tenēts hereditaments, or other things whatsoeuer specified or conteined in any such letters patents, or of, for, or cōcerning any pt or pcell thereof, by shewing forth an exemplificatyō or constat, vnder ỹ great seale of Englād, of the inrolment of ỹ same letters patents, or of so much therof, as shal & may serue to, or for such title, claime, or matter, ỹ sāe letters patentes then being and remayning in force, not lawfully surrendred nor cancelled for or concerning so much & such part and parcell of such landes, tenements, hereditamentes, or other thing, whereunto such title or claime shalbe made, as if the same letters patents selfe were pleaded & shewed forth any law, vsage, or other thing, whatsoeuer to the cōtrary notwithstanding.

¶An acte against Vsurie An̄ 13. Eliz. Cap. 8.

¶Vsurie 8.

WHere as in the Parliament holden the xxxvij. yere of the Raigne of our late Soueraigne lorde kinge Henry the eight of famous memorie, cap. 6. Vsurie 6. there was then made & established one good act for the reformation of vsurye, by which act ꝯ vice of vsury was wel repressed & especially the corrupt chevisance & bargayning by way of sale of wares, & shifts of interest. And where since ꝯ time by one other act made in the v. & vj. yeres of the raigne of our late soueraigne lorde king Edward ꝯ 6. ca. 20. the said former act was repelled, & new prouisoes for repressing of vsury deuised & enacted, which said latter act hath not done so much good as was hoped it should, but rather ꝯ said vice of vsury, & specially by way of sale of wares & shiftes of interest, hath much more exceedingly aboumded, to the vtter vndoing of many gentlemē, marchā ts occupiers & other, & to ꝯ importable hurt of ꝯ cōmon wealth, aswel for ꝯ in ꝯ said later act there is no prouisiō against such corrupt shifts & sales of wares, as also for ꝯ there is no difference of paine, forfaiture, or punishment, vpon the greater or lesser exactions & oppressions, by reason of lones vpon vsury: Be it therefore enacted, that the saide later statute made in the v. and vi. yeres of the raign of king Edward ꝯ 6. ca. 20. & euery

brauch and article of the same, from & after the xxv. day of June next comming, shalbe vtterly abrogated, repelled, & made voide, & that the said act made in the said xxv^th. yere of king Henry the eight [ca. 6.] from & after the laide xxv. day of June next comming shalbe reuiued, & stand in full force, strength and effect.

¶ And be it further enacted, that al bonds, contracts, & assurances, collaterall or other to be made for payment of any principall, or money to be lent, or couenant to be performed vpō or for any vsury, in lending or doing of any thing against the said act nowe reuiued, vpō or by which lone or deing, there shalbe reserued or taken aboue the rate of x. pounde for the hundred for one yere, shall be vtterly voide.

¶ And be it further enacted, that all Brokers, solicitors, & driuers of bargaines, for contracts or other doings against the sayde statute now reuiued, wherupō shalbe reserued or taken more then after the rate of x.li. for the lone of C.li. for a yere, shalbe to al intēts & purposes, iudged, punished, & vsed as Counsellours, attournies, or aduocates, in ame case of præmunire.

¶ And forasmuch as all vsury being forbidden by the law of God, is sinne & detestable: Be it enacted ỳ al vsury, lone, & forbearing of money, or geuing daies for forbearing of money by way of lone, chenisaunce, shifts, sale of wares, cōtract, or other doings

what-

whatsoeuer for gaine, mentioned in the said statute which is now renued, whereupō is not reserued, or taken, or couenaunted to bee reserued, paide, or geuen to ỹ lender, cōtracter, shifter, forbearer, or deliuerer, aboue the summe of x.li. for the lone or forbearing of a C.li. for one yere, or after ỹ rate for a more or lesser sūme or time, shalbe frō ỹ xv. day of June next comming, punished in fourme folowing, that is to say, that euery such offēdor against this branch of this pr̄sēt statute, shal forfait so much as shalbe reserued by way of vsurie, aboue the pr̄incipal, for anie money so to be lent or forborne. All such forfaitures to be recouered & imploied as is limitted for forfaitures by the saide former statute nowe renued.

¶ And be it further enacted that Justices of Oier & Terminer, & Justices of assise in their circuits, Justices of peace in their sessions, maires, shirifes, & bayllifes of Cities, shal also haue ful power & auctho͂rity to enquire, heare, & determine, of all and singuler offences committed against the said statute nowe renued.

¶ And be it further enacted, ỹ the said statute nowe renued, shalbe most largelie and strongly cōstrued for the repressing of vsurie & against al persōs that shal offend against the true meaning of the saide statute by any way or deuise, directly or indirectly.

¶ Prouided alway, that this statut doth not extend, nor shalbe expounded to extend

vnto any allowances or payments for the finding of Orphanes, according to the auncient rates, or customes of the citie of London, or any other Citie where like order is for the custody of Orphanes & their goodes as is in the said city of London.

¶ Prouided alwaies, and bee it further enacted by the auctority afore said, that if any person or persons, shall from & after the said xxb. day of June, offende contrary to the saied statute reuiued by this present act made in the xxbvij. yere of the raigne of the said late kinge Henry the eight [ca 6.] that then al and euery such offendour and offendours, shal and may also be punished & corrected, according to the Ecclesiastical lawes heretofore made against vsurie. And that all and euery person and persons offendinge in vsurie, shiftes, or cheuisance against this present act, and not taking or receiuing but onely after the rate of x. pounds in the hundred, or vnder, for a yere, shalbe onely punyshed by the paines & forfaitures prouided and appointed by thys acte agaynst such as shall not take or receiue ouer and aboue the rate of x. pounds in the hundred for a yere, and not otherwise. This act to continue and endure for and during the space of fiue yeres, next after the end of this present Parliament, and from thence vnto the ende of the first Session of the Parliament then next ensuing.

¶ And be it further enacted by the auctho-

rity

tie aforesaide, that if this present act shall not be continued in the first Session of the Parliament next ensuing the saide terme of .v. yeres, and then in the same Session no other statut or prouision made against vsurie or corrupt chenisance, ẏ then al & euery the lawes & statuts repelled by this act, shal remaine and be of such like force & effect, as if this present act had neuer ben had ne made [vide. 5. E. 6. ca. 20. 9.]

¶ An act against fraudes, defeating remedies for dilapidation of Ecclesiastical liuings, & for Leases to be graunted by collegiat churches. 13. E. cap. 10.

¶ Leases. 4.

FOr ẏ long & vnreasonable leases made by colleges, Deane & chapters, parsons, vicars, & other hauing spiritual promotions, be the chiefest causes of dilapidations & the decay of all spirituall liuings & hospitalitie, & ẏ vtter impouerishing of al successors, incūbents in ẏ same. Be it enacted by the authoritie aforesaid, ẏ frō henceforth al leases, giftes, graūts, feoffementes, conueyaunces, or estates, to be made, had, done, or suffered, by any master & felowes of any colledge, Dean & chapter of any Cathedral or collegiat church, master or gardian of anie hospital, parson, vicar, or anie other hauing any spiritual or ecclesiasticall liuing, or any houses, lāds, tithes tenemēts, or other hereditamēts being any parcell of the possessions

of any such college, Cathedral church, chapter, hospitall, personage, vicarage, or other spiritual promotion, or any waies appertayning or belonginge to the same, or of any of thē, to any person or persons, bodies politike or corporate (other then for the terme of xxj. yeres, or three liues, frō the time as any such lease or graūt shalbe made or graūted, wherby thē the accustomed yerely rent or more shal be reserued & payable yerely during the said terme) shalbe vtterly voide & of none effect to all intents, constructions, & purposes: any law, custome, or vsage, to the contrary any waies notwithstanding.

¶ Prouided neuertheles, & bee it enacted by thauctority aforesaid, ỹ this act nor any thinge therin contained, shalbe taken or construed, to make good any lease, or other grāt to be made by any such colledge, or collegiate church, wythin either of both the Vniuersities of Oxforde & Cambridge, or els where within the Realme of England, for more yeres then are limitted by the priuate statut; of the same Colledge.

¶ Prouided alwaies, that this act shal not extende to any lease hereafter to be made vpon surrender of any lease heretofore made, or by reason of any couenāt or condition, cōtained in any lease heretofore made, & nowe cōtinuing, so ỹ the lease to bee made do not conteine more yeres then the residue of the yeres of the former lease nowe continuinge shalbe, at the time of such lease hereafter to

be

be made, nor any leſſe rent then is reſerued in the ſaid former leaſe| See a ſtatute made 1. Eliz. which is vnprinted concerninge exchaunges to be had betwene the Queenes Maieſtie & Biſhops, what leaſes & aſſurãces biſhops may make. See alſo one other ſtatut made ỹ ſaid 13. pere ca. 20. Leaſes 5. and certaine braunches of the ſtatute made 14. Eliz. cap. 11. touching leaſes, & charges, by ſuch incumbents, & the other matters of this ſtatute, which are omitted, becauſe they are not yet perpetuall.

¶ Recoueries.

¶ An Acte for the auoiding of recoueries ſuffred by colluſion by tenants for terme of life, and ſuch others. Añ 14. Eliz. cap. 8.

¶ Recoueries 5.

WHere diuers perſons being ſeiſed, or that had bene ſeiſed of landes, tenementes, and herꝺitamentes, as tenauntes by the curteſie of England, tenãts in taile after poſſibilitie of iſſue extinct, or otherwiſe, onely for terme of life or liues, or of eſtates determinable vpon lyfe or liues, haue heretofore permitted & ſuffered, other perſons, by agrement or couine betwene thẽ had to recouer the ſame landes, & tenemẽts & other herꝺitamẽts againſt the ſame particuler tenants, in the Queenes Maieſties court, or haue permitted & ſuffered themſelues to be vouched by other perſons, by agrement

ment or couin betwene them had in recoue-
ries suffered of the same landes, tenements,
& other hereditamts in the Queenes Ma-
iesties court, to the great preiudice of those
to whom the reuersion or remainder thereof
hath appertained, or ought to appertaine.

¶ For remedy whereof, be it enacted by
y Queenes most excellent Maiestie, with
the assent of the Lordes spirituall and tem-
porall, & the commons in this present parli-
amẽt assembled, & by auctoritie of the same
that all such recoueries, hereafter to be had
or prosecuted, by agreement of the parties,
or by couin, as is aforesaide, against anie
such particuler tenaunt of anie landes, tene-
ments, or hereditaments, whereof the same
particuler tenaunt is, or hereafter shalbe sei-
sed of any such paticuler estate as is afore-
said, or against any other, with voucher ouer
of any such particuler tenaunt, or of anie
hauing, or that had right or title to anie
such particuler estate or tenauncie, as is a-
foresaide, shal from henceforth, as against
such person or persons to whom anie re-
uersion or remainder thereof, by force of any
conueiance or deuise before that time had or
made, shall, ought, or lawfully may apper-
taine, & against their heires & successours, be
clerely & vtterly voide & of none effect, anie
law or vsage heretofore had to the contrary
thereof, in any wise notwithstanding.

¶ Prouided alway, that this act nor any
thing therein conteined, shal extend, or be
preiu-

meiudiciall, to any person or persons, that shal hereafter by good title, recouer any lāds tenementes, or hereditamentes, wythout fraud or couin, by reasō of any former right, or title, but that al & euery such recouery, & recoueries, so to be had or prosecuted vppon former rights or titles, shal stande & bee in lyke force, strēgth & effect, as they were before the making of this act, any thing herein contained to the contrary in any wise notwithstanding.

¶ Prouided also, that al & euery such recouery & recoueries, to be had or prosecuted, of any lands, tenements, or hereditaments, as aforesaid, by the assent & agreement of anye person or persons, to whom any reuersiō or remainder thereof then shal or ought to appertaine (so & the same assent & agreement doe appeare of record in any court of our soueraigne Lady & Queenes Maiesty, her heires or successours) shal stāde & be in lyke force, strength, & of like effect, against such pson & persōs that shal so assent & agree, their heires and successours, as they were before the making of this act, any thinge herein contained to the contrary, in any wise notwithstanding.

¶ Be it further enacted by the authoritie aforesaid, that one act made in the xxiij. yere of our late soueraigne Lorde kinge Henrye the eight, entituled. An act for the auoiding of recoueries by collusions by tenentes for terme of life, | An. 3. 32. H. 8. ca. 31. shall bee

from

from the firſt day of July next enſuing repealed: and ſhall no longer ſtand in force.

¶ Iurours.

¶ An Acte declaring that the tenant & defendãt may haue a tales de circumſtantibus, as wel as the demaundant or pleintife 14. Eliz. cap. 9. Iurours 20.

FOr the auoidinge of great & chargeable delayes oftentymes happening vnto tenauntes, and defendaunts: Be it enacted that in al caſes whereas the partie plaintife or demãdant by any ſtatute heretofore made may haue vpõ his or their requeſt made vnto the Iuſtices of Niſi prius, within thys Realme of Englande, or to the Iuſtices of Oier, or of aſſiſes, of ỹ xv. ſhires of Wales, & the countics palãtinez of Lãcaſter, Cheſter, & Durham, a tales de circumſtantibus, that in al and euery ſuch caſe & caſes, the party & parties, tenaunts, actours, auowants, & defendants (if the plaintifes or demaundantes ſhal vpon the calling of the principal pannel or Iury forbeare or refuſe to pray the ſame) ſhal & may vpon his or their requeſt or deſire, haue vpon the ſame recorde, & by ỹ ſame Iuſtices, the tales or taleſſes vnto thẽ grãted, in like maner, fourme, & degree, to al reſpectes & purpoſes, as the plaintife or demãdant in any ſuit or action may haue the ſame by any ſtatute or ordinance heretofore made or

or set forth, & the rather for the spedy triall of the issue & issues ioyned, or hereafter to be ioyned in any plee, suit, or action, any lawe, custome, or vsage heretofore vsed to the cõtrary thereof in any wise notwithstanding.

¶ Prouided also, & be it further enacted by the authority aforesaid, that all populer actions, informations, billes, or suites, cõmenced or had, or hereafter to be commenced or had in any the Queenes Maiesties courts of recorde, vpon any penall lawes or statutes wherein any person doth, or shal sue, or prosecute, or informe, as well for the Queenes Maiestie, her heirs, & successors: as for him selfe, whereupon issue is or shalbe ioined to be tried by the countrey, that therin ỹ partie defendant or defendants shalbe admitted to pray & haue a tales de circumstantibus, as in other cases aforesaid. | De touchig Iurours de circumstantibus. 35. H. 8. ca. 6. Iurours 17. made perpetual. 2. E. 6. cap. 32. & 4. & 5. P. & M. ca. 7. Iurours 18. & 5. El. c. 25. Iurours 19.

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